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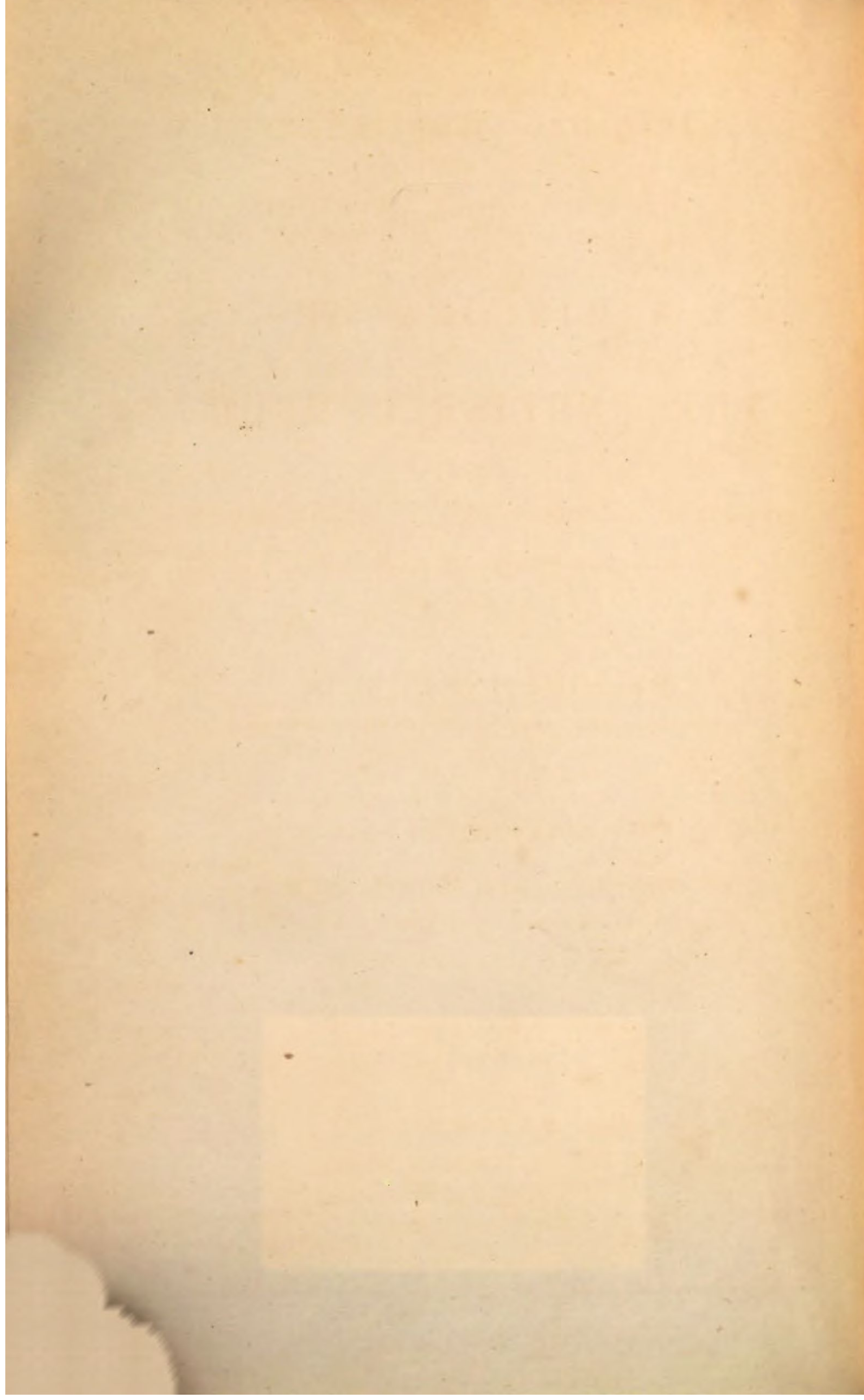
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FROM THE CONQUEST OF THE ENGLISH NATION
TILL THE DEATH OF KING JOHN
BY JOHN HENRY D.D.
OF THE UNIVERSITY OF OXFORD
A NEW EDITION IN TWO VOLUMES
BY THE REV. JOHN CRISPIN, M.A.
OF THE UNIVERSITY OF OXFORD

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**A HISTORY OF
THE ENGLISH CHURCH**

**FROM THE CONVERSION OF THE ENGLISH SAXONS
TILL THE DEATH OF KING JOHN.**

BY JOHN INETT, D. D.,

PRECENTOR AND CANON RESIDENTIARY OF LINCOLN.

A NEW EDITION, IN TWO VOLUMES,

BY THE REV. JOHN GRIFFITHS, M. A.,

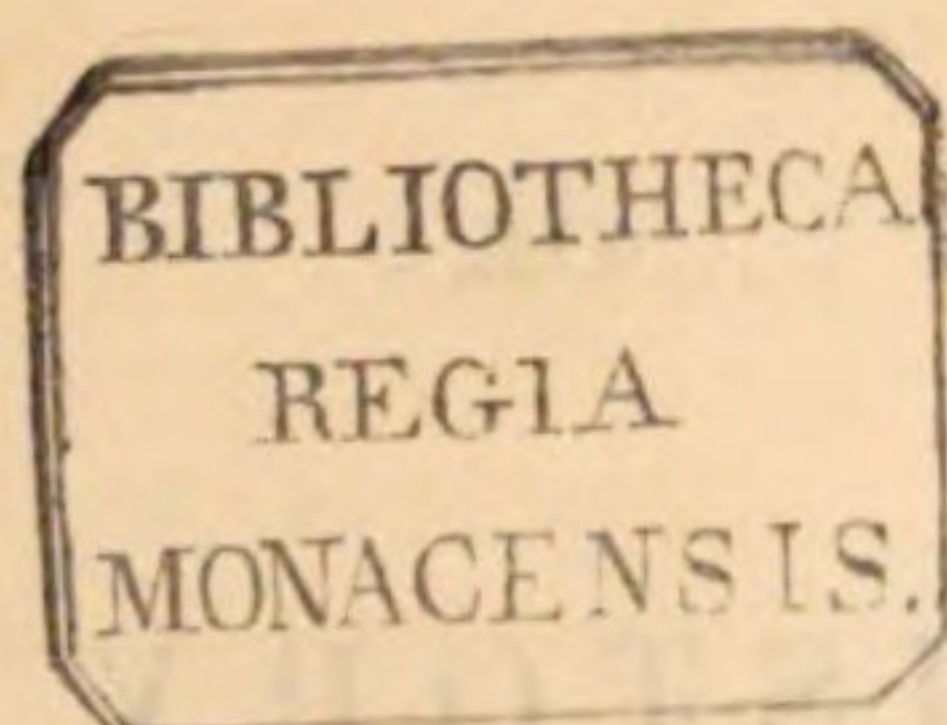
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OXFORD:

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THE ENGLISH CHURCH

FROM THE ORIGIN OF THE REFORMATION

UNTIL THE DEATH OF KING JAMES

BY JOHN LEECH, D.D.

REVISED AND CORRECTED BY THE AUTHOR

A NEW EDITION, IN TWO VOLUMES

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CONTENTS OF THE SECOND VOLUME.

DEDICATORY EPISTLE TO PART II.....	Page 1.
PREFACE TO PART II.....	3.

PART II.

FROM THE NORMAN CONQUEST TILL THE DEATH OF KING
JOHN.

CHAPTER I.

AB ANNO 1066 AD ANNUM 1071.

1. Contest between the English and Danish line. English line restored.
2. Edward the Confessor dies. Several pretenders to the crown. Harold possesseth himself of the crown. 3. Harold king of Norway invades England; is overcome and slain. William duke of Normandy lands in England. 4. King Harold slain. William duke of Normandy refuses to be crowned by the archbishop of Canterbury; is crowned by the archbishop of York. 5. The different reasons thereof assigned by our historians: the true reason thereof. The king designs great changes in the church and state; carries the archbishop of Canterbury into Normandy. Jealousies betwixt him and his people. 6. The king begins to execute the designs he had to bring Normans into the church; makes Remigius, a Norman, bishop of Dorchester; sends Lanfranc to Rome to concert the deposition of the archbishop of Canterbury and the other changes he had projected. 7. His affairs oblige him to delay the intended changes. He seizes the wealth of the religious: the occasion thereof. 8. The king covers his violence by calling the legates of pope Alexander to his aid. He permits them to convene the council of Winchester: the ill effects thereof. 9. Council held at Winchester. Stigand archbishop of Canterbury deposed: the pretended reasons thereof. 10. The true reason of his deposition. Several other bishops and abbots deposed. 11. Lanfranc made archbishop of Canterbury. Thomas made archbishop of York. The church filled with Normans. The like changes among the religious. 12. English generally

displaced and oppressed. Changes such as had been concerted at Rome, where the deposition of Stigand had been resolved. 13. Lanfranc, his character, birth and story : a great asserter of the corporal presence : his friendship with the court of Rome : the grounds thereof : is consecrated by the bishops of the province, and acts as metropolitan before he receives his pall. 14. Sends to Rome for a pall : is denied : the true reason thereof : his presence at Rome desired. 15. Owned by the whole English church as metropolitan before he received the pall. The necessity thereof advanced by the court of Rome : the grounds thereof. Difference betwixt the two archbishops : the occasion and issue thereof. 31.

CHAPTER II.

AB ANNO 1071 AD ANNUM 1079.

1. The two archbishops and the bishop of Lincoln go to Rome. Thomas archbishop of York and Remigius bishop of Lincoln said to be deposed : the pretended reasons of that affair. 2. Bishop of Lincoln said to be guilty of simony : that charge groundless. 3. Investitures declared the sole right of the papacy. Lay investiture declared simony : anciently given by the kings of England. Lay investiture the simony of the bishop of Lincoln. 4. The designs of the court of Rome the grounds of the aforesaid depositions. Lanfranc's compliance therewith : changes his opinion of that court, and leaves the interest thereof. 5. King and bishops of England project the driving the religious out of cathedral churches and bringing seculars in their room. Pope Alexander and Lanfranc apply themselves to break that design. 6. Pope Alexander complains to the king of the irregular deposition of the bishop of Chichester ; but in vain. Thomas archbishop of York complains to pope Alexander against Lanfranc : he refers it to the king. 7. Councils of Winchester and Windsor, where the dispute betwixt the archbishops was heard. Pleas on both sides. Determined in favour of the see of Canterbury. 8. Lanfranc, elated with his success, sends a copy of his book against Berengarius to pope Alexander. The king suspends the changes he further intended in the church. 9. Hildebrand made bishop of Rome : his character and designs : the importance thereof. 10. The maxims and conduct of that prelate. He lays the foundation of his designs in gaining the right of investitures from the secular power. 11. Court of Rome projects the celibacy of the clergy : the reason thereof. The king convenes a council at Rouen in Normandy : the issue thereof. 12. Pope Gregory depends on his former friendship with archbishop Lanfranc ; attempts to bring him into his design. Lanfranc remains steady to the rights of the church and the crown ; despises the authority of pope Gregory ; refuses to go to Rome upon his summons. 13. The king and Lanfranc break the measures of pope Gregory. His election questioned : an anti-pope set up. Lanfranc calls a council, which meets at St. Paul's : the transactions thereof. 14. A council meets at Winchester : the marriage of canons forbid ; allowed to the parochial clergy. Lanfranc propagates the doctrine of the corporal presence.

15. Pope Gregory pushes on his design to change the ancient government of the church and set up an ecclesiastic monarchy: the advantages he had to carry on his design: challenges an authority over Christian princes; attempts to make them vassals to the papacy. 16. Gregory treats the clergy as his vassals: the mischiefs occasioned by his conduct: pretends that the kingdom of England was a fee of the papacy, and requires an oath of fealty from the king: grounds of that pretence: his pretensions rejected by the king. 17. Gregory summons archbishop Lanfranc to Rome. He refuses to go; justifies himself by the law of England; denies the authority of bishops of Rome. The king and archbishop maintain the rights of the church and kingdom of England. Pope Gregory complains; but in vain..... 53.

CHAPTER III.

AB ANNO 1079 AD ANNUM 1086.

1. Pope Gregory endeavours to secure the friendship of the king. He summons a council to meet at Rome; changes canonical profession of bishops to an oath of fealty; takes pattern from the feudal law; forces this oath on the archbishop of Aquileia. 2. The bishops of Italy, France, and Germany oppose the usurpation of pope Gregory. Vassalage of the western church begun by that prelate. Kings and bishops of England maintain the rights of the church and kingdom of England, and keep out the usurpation of pope Gregory. 3. King William applies himself to bring England to the model of Normandy; reduces the revenues thereof to baronies and knights' fees: the changes occasioned hereby. The state of church revenues under the ancient English government. 4. Clergy and religious are uneasy under the change in their tenures. Pope Gregory complains of the contempt of his authority by archbishop Lanfranc; summons him to Rome; but in vain. The Norman bishops despise his authority. The king defends them in their contempt, and forces the pope's legate to withdraw his censures. 5. The king imprisons the bishop of Bayeux. Pope Gregory petitions for his release; but in vain. The abbot and monks of Glastonbury quarrel: some monks killed in that dispute. 6. The occasion of those disputes. The controversy betwixt the secular clergy and religious begins. 7. The occasion of the aforesaid controversy. 8. Pope Gregory in vain pretends to authority in England. Lanfranc begins exempt jurisdictions out of his diocese. 9. Exempt jurisdictions contrary to the ancient canons: the ill effects thereof. Ecclesiastic courts separated from the civil: consequence thereof. 10. The law which occasioned that separation. The ancient authority of princes in matters ecclesiastical; of the kings of England in particular. 11. The laws and proceedings of the ancient English kings in affairs of religion. 12. Reasons of the changes introduced by the king. He separates the ecclesiastical from civil courts by a law. 13. Changes in the course of civil justice occasioned thereby. Mr. Selden's opinions of that law. 14. Some reflections on the form of the aforesaid law, and on the ancient

methods of promulging laws. 15. Dioceses divided into archdeaconries and deaneries : the occasion thereof. Difference betwixt the state of the ancient and present English church in those particulars. 16. The opinion of bishop Stillingfleet of the change in the outward administration of the church. Chorepiscopi not ancient in the English church. The time and reason of introducing them. 17. Some reflections on the aforesaid changes and the occasion thereof. Council of Winchester requires the division of dioceses into archdeaconries. Dioceses divided accordingly. 18. Gregory the Seventh dies : some reflections on his conduct. King convenes the bishops and nobility to meet at Salisbury ; quarters his soldiers on the monasteries. The monks blacken his memory. 19. State of affairs abroad. The Hildebrandine faction broken by the emperor. 80.

CHAPTER IV.

AB ANNO 1086 AD ANNUM 1100.

1. The death of William the First. William the Second succeeds. The nation uneasy under him. 2. William Rufus quiets the factions in England. Lanfranc archbishop of Canterbury dies : changes in the conduct of the king occasioned thereby. 3. The king goes into Normandy. Anselm made archbishop of Canterbury ; Robert Bloet made bishop of Lincoln. 4. King encourages the dispute betwixt the archbishop of York and the new bishop of Lincoln : the grounds and effects of that dispute. 5. The king forces money from the bishop of Lincoln, and makes up the matter in dispute betwixt him and the archbishop of York. Anselm archbishop of Canterbury falls under the displeasure of the king. 6. The dispute betwixt the king and Anselm : the occasion thereof. 7. A schism in the Roman church : the English church holds no correspondence therewith ; owns neither of the pretenders to the papacy. Anselm owns Urban : the effects thereof. A council meets at Rockingham. 8. Debate in the council, whether a bishop of Rome might be acknowledged in England without the king's consent : the bishops and nobility affirm it contrary to law : Anselm's plea on the other side. The king resolves to depose him. 9. Legate of pope Urban assures the king that every thing should go to his mind, if Urban be owned as pope. King owns Urban, and is overreached by the legate. 10. Merchelah, an Irish king, applies to Anselm archbishop of Canterbury for the consecration of a bishop of Waterford. Thomas archbishop of York consecrates a bishop of the Orcades. Candida Casa subject to the archbishop of York. 11. The archbishop of Canterbury thought by some to be primate of Ireland : ground of that opinion. Pope Urban excommunicates the French king. King of England resents the fraud of the legate. 12. Anselm desires to go to Rome ; is denied by the king. Pretence for that journey. The behaviour of that prelate. 13. King commands Anselm to leave England. The difference in the conduct of him and his predecessor. 14. The king seizes the temporalities of the archbishop of Canterbury. Pope Urban advances the design of the court of Rome against the western princes. Anselm goes to Rome : his re-

ception there. 15. Court of Rome espouses the cause of Anselm; attempts to reconcile him to the king. He threatens and sends back the legate; justifies his conduct at Rome. A council held there decrees the king worthy of excommunication. 111.

CHAPTER V.

AB ANNO 1100 AD ANNUM 1102.

1. English bishops steady in their duty to the king; oppose Anselm and the court of Rome. Anselm desires to resign his bishopric; is denied by pope Urban: the reasons thereof. 2. King William killed. Henry succeeds; puts by his elder brother Robert; punishes the minister of his brother William; recalls Anselm. 3. Hildebrandine heresy destructive to the rights of princes. Anselm returns to England; refuses to do homage to the new king: his insolent behaviour: the folly of his conduct. 4. Anselm opposes the legate of pope Paschal, who is sent back without executing his commission. 5. Hildebrandine doctrine the ground of Anselm's proceedings. Church modelled to the form of the empire. This gives the first rise to the grandeur of the see of Rome: the use the court made thereof. 6. The court of Rome forms a design to set up an ecclesiastic monarchy. The steps by which that monarchy was raised. The ancient right of princes in disposing church preferments: methods thereof borrowed from the feudal law: the reason and grounds thereof. 7. Ancient methods in putting the clergy in possession of their temporal rights by investitures. The extent of that usage: antiquity thereof in England. 8. Gospel has not determined the measure of the provision that should be made for the interests of religion, or how the clergy should be put in possession thereof. This left to the wisdom and charity of men: the reasons thereof. Taking this trust from their hands the design of the court of Rome: the end they were to serve thereby. 9. Outcries against lay investitures by the court of Rome: the pretended and true reasons thereof. The ground of the quarrel betwixt the empire and papacy. 10. The history of that quarrel. 11. Holy war set on foot by the court of Rome to cover their designs on Christian princes. 12. The use the court of Rome made of that war: the mischiefs to Christian princes. 13. Advantages that court gained during the war. 14. Anselm refuses to consecrate the bishops who had received investiture from the king. The nobility side with the king, and assert his right. 15. Anselm opposes the king. Consequence of this affair. The use the court of Rome made of it. They forbid bishops doing homage to princes. 16. Robert duke of Normandy takes the advantage of this controversy; lands in England. Pope Paschal attempts to persuade the king. 17. The great council assert the right of the king. He sends new ambassadors to Rome on this occasion; threatens to leave communion with the church of Rome, if they do not give up their pretensions to investiture. 135.

CHAPTER VI.

AB ANNO 1102 AD ANNUM 1109.

1. Council meets in London. Ambassadors of the king and the legates of Anselm give different accounts of their transactions at Rome. King and council give credit to the king's ambassadors. 2. Anselm holds a provincial council: the transactions thereof. He refuses to consecrate the bishops of Hereford and Salisbury. 3. The king appoints the archbishop of York to consecrate them and the bishop of Winchester. He refuses to receive consecration from him. The king banishes him, and sends Anselm his ambassador to Rome; resolves not to permit his return. 4. The king sends ambassadors with Anselm, and trusts them with his secret; hopes to have his laws owned. The insolent answer of pope Paschal. 5. The king's ambassador at Rome forbids Anselm's return to England. Clergy refuse obedience to the canons against the marriage of the clergy. 6. Anselm remains at Lyons. The king gains the favour of Paschal. Anselm is seemingly discountenanced by him. 7. Anselm goes into France; pretends to excommunicate the king of England. This inclines the king to a seeming accommodation. 8. An agreement betwixt the king and Anselm. The king restores his temporalities. 9. The king, uneasy under his late agreement, lays an imposition on the married clergy. Anselm becomes popular: the reasons thereof. 10. Pope Paschal endeavours to end the controversy; makes some concessions in favour of the king. Anselm returns to England. 11. The king employed in the conquest of Normandy; returns to England; yields up the right of investiture against the sense of his council. 12. Anselm consents that the clergy should do homage to the king. The ill consequences of the king's concessions. 13. Vacancies of bishoprics filled up without investiture from the king. Monks of Canterbury demand the benediction of their new abbot at Canterbury. Anselm rejects their demand. He maintains his right as metropolitan against the papal legate. 14. Dangers of bigotry. A council assembles, the canons whereof require the celibacy of the clergy. Greatest and best part of the clergy were the sons of clergymen. Council puts an oath on the archdeacons to execute the aforesaid canons. 15. Diocese of Lincoln divided. Bishopric of Ely erected by the royal authority: the occasion and circumstances thereof..... 159.

CHAPTER VII.

AB ANNO 1109 AD ANNUM 1120.

1. Anselm archbishop of Canterbury dies. Mischiefs of his mistaken zeal. King uneasy in the loss of his right of investitures, threatens to re-assume it. The emperor forces the pope to give up his pretence to investitures. 2. The king's ill treatment makes him very jealous. He keeps the archbishopric void; holds no correspondence with Rome. Hildebran-

dine faction broken by the emperor. Secular clergy and religious contend about the succession to Canterbury. 3. The king summons the monks of Canterbury to assist at the election of a new archbishop. The monks desire the abbot of Abingdon; pretend that monks only have a right to that trust. Grounds of that pretence. Bishop of Rochester chosen archbishop of Canterbury. 4. Radulphus archbishop of Canterbury officiates without a pall. The king resents the proceedings of the court of Rome. 5. The bishops join with the king against the court of Rome. Pope Paschal complains that his see was neglected, and every thing done in England without him. 6. Sense of the king and bishops of England of the freedom of the English church: the present state thereof. 7. The king sends to Rome to remonstrate against that court. Chapter of St. David's in Wales applies to the king for a bishop. Freedom of the British church. 8. The reason of the application of the Welch to the king. Grounds of the submission of the British to the English church, not from the authority of Rome. 9. Alexander king of the Scots applies to Radulphus archbishop of Canterbury to fill up the see of St. Andrew's: the reason thereof. Tale of the Culdees governing the church of Scotland: the ancient government thereof by bishops. 10. Court of Rome attempts to introduce the legatine power into England. Great council of England oppose it. The archbishop of Canterbury sent to Rome to remonstrate against this attempt. Pope promises not to send any legate uncalled for. 11. Pope Paschal encourages Thurstan archbishop of York against Radulphus archbishop of Canterbury. Pope Paschal dies. A schism in the Roman church. The English church quieted by that schism. 12. English and Norman bishops sent to the council of Rheims. Instructions given them by the king. 13. Pope Calixtus promotes the disputes betwixt the two archbishops; consecrates Thurstan archbishop of York contrary to his promise. 14. Reason of Calixtus his proceeding. 15. Calixtus promises the king that he should enjoy the ancient privileges of the crown, and that no legate should be sent till desired. 180.

CHAPTER VIII.

AB ANNO 1120 AD ANNUM 1127.

1. King of the Scots desires Eadmer to be archbishop of St. Andrew's. He refuses to receive the pastoral staff from the king; insists on his consecration from the archbishop of Canterbury; falls under the displeasure of the king of the Scots, and is sent home again to his convent. 2. The king makes peace with France; returns to England. His son drowned. 3. Schism betwixt the two popes ended by a battle. Calixtus sends a legate to England. The king permits him to come, but suffers him not to visit cathedrals and monasteries. 4. The king declares it the law of England that a legate ought not to come without leave, and that he would maintain the law; sends away the legate. Radulphus archbishop of Canterbury dies. 5. Disputes about the election of an archbishop of Canterbury. William de Corboil chosen. 6. A war betwixt England and

that journey. 16. Theobald said to receive the title of "legatus natus". The true reasons of the archbishop's journey. The usage he received from the king. 17. The pretence of the archbishop for that journey. He keeps the monks of Canterbury in order. The court of Rome forms a design to break the authority of diocesan bishops : the reason thereof. 245.

CHAPTER XI.

AB ANNO 1149 AD ANNUM 1150.

1. The controversy betwixt the seculars and the religious begins in England : the occasion thereof. 2. The religious set up pretensions to free themselves from the authority of bishops. The ancient state of the religious. 3. The religious treated as a part of the laity, and their duties described by the ancients accordingly. 4. The religious treated by the ancient English church as laymen. The profession of their abbots answerable. 5. The form of their professions. The sense of St. Bernard of the attempt to discharge them from their obedience to the bishops. 6. Battle Abbey discharged from its obedience to the bishop of the diocese. The use the monasteries of England made of that example. 7. A dispute betwixt the bishop of Lincoln and the abbot of St. Alban's. The abbot gains a bull from pope Adrian in favour of his monastery. 8. That abbey gains the right of processions. The original and importance of that usage. 9. Ensham in Oxfordshire obtains the procession of the archdeaconry of Oxford. The consequence of this affair. 10. Robert bishop of Lincoln cites the abbot of St. Alban's; despises the bull of pope Adrian. The king makes an agreement betwixt the bishop and abbot. 11. The archdeaconry of St. Alban's erected : the occasion thereof. St. Alban's the first mitred abbey. 12. The mischiefs and confusions occasioned by the exemptions of the religious. 13. The exemptions of the religious owing to the designs of the court of Rome. The reason of the friendship betwixt that court and the religious. 14. The opportunities that court had to oblige the religious. The prodigious increase of monasteries : the reason thereof. 15. The wealth gained by the religious, injurious to the state. The growth of the religious abroad answerable to that in England. 16. The mischiefs occasioned to the monasteries by the papal exemptions. 17. The abbeyes of St. Alban's and St. Edmund's, which first gained exemptions, had the first share in the mischiefs thereof. 268.

CHAPTER XII.

AB ANNO 1150 AD ANNUM 1163.

1. The confusions in the state occasion disorders in the church. An agreement between king Stephen and the empress. King Stephen dies. 2. Henry the Second comes to the crown. The difficulties he met with in the affairs of the church. The controversy betwixt the clergy and religious revives. 3. Pope Adrian pretends to give the kingdom of Ireland to Henry : the conditions thereof. 4. The ancient state of the Irish church :

the successions of clergy hereditary : the primate and clergy thereof generally married. Malachy made primate of Ireland. 5. That prelate attempts to subject the Irish church to that of Rome ; brings palls from thence for Irish metropolitans. Pope Adrian pretends that all Christian islands were subject to the see of Rome. 6. Some reflections on the conduct of king Henry. Becket archdeacon of Canterbury made chancellor. 7. His complaisance in that station. King Henry and the king of France form a design against Spain. 8. Some heretics from Germany come into England. Their opinions condemned at Oxford. Some reflections thereon. 9. A fierce and cruel spirit prevails among Christians : the occasion and mischiefs thereof. A council held at Chichester : the occasion thereof. 10. A schism in the church of Rome. Pope Alexander comes into France. Theobald archbishop of Canterbury dies. 11. A council meets at London. Becket chosen archbishop of Canterbury. His character. 12. A council held at Tours. Becket goes thither ; concerts measures with pope Alexander for carrying on his designs ; said to resign his archbishopric there. 13. The secret of the council of Tours : the designs formed there : the controversies which ensued. 14. Some steps in England in order thereunto. Anselm canonized. 15. Becket falls under the displeasure of the king : the reason thereof. 16. A controversy betwixt the king and the archbishop of Canterbury : the reasons thereof. 17. The concessions of Christian princes to the church. Church affairs and churchmen subject to princes. 18. Laws of the empire relating to the affairs of the church. 19. State of the clergy under the ancient English kings. The authority they exercised in the affairs of the church. Their laws relating thereunto. 20. The supremacy of the kings of England in ecclesiastical affairs. The authority of the late kings of England no other than what had been exercised by the ancient kings. 288.

CHAPTER XIII.

AB ANNO 1163 AD ANNUM 1169.

1. The occasion of the dispute betwixt the king and the archbishop, as related by our historians. 2. The true grounds of that dispute. 3. A general contempt of the civil power by the clergy and religious : the reasons thereof. 4. The maxims of the court of Rome occasion a general controversy. The council of Clarendon convened. 5. The ecclesiastical laws recognised by that council. 6. Becket archbishop of Canterbury promises obedience thereunto ; revokes that promise. The king offended thereat. He hopes to obtain a recognition of those laws by pope Alexander ; is deceived therein. 7. A council meets at Northampton. The proceedings of that council. Becket archbishop of Canterbury leaves England. 8. The French king espouses the cause of the archbishop of Canterbury. The true grounds of that controversy : the proceedings therein. 9. The king hopes to gain his ends by the court of Rome ; is deceived therein. That court stands by Becket ; shows him all favour. 10. Pope Alexander and the French king agree in the defence of the archbishop of Canterbury. The

king shows his resentment ; forbids all communication with the pope and the archbishop of Canterbury. 11. Becket continues in exile. His behaviour therein. 12. His ill usage of the king : his maxims about civil government : he threatens the king ; declares the statutes of Clarendon void. 13. He attempts to draw the bishops from their duty to the king. They continue steady ; endeavour to do right to the king and his laws. Violent proceedings of the archbishop of Canterbury : his encouragement at Rome. 14. He attempts to excommunicate the king ; engages the French king in a war against him. The bishops justify the king's proceedings. 15. The king endeavours to prevent excommunication ; desires a legate from Rome to determine the controversy betwixt him and Becket. The court of Rome pretends to favour the king ; deceives him. 16. The artful proceedings of that court. 17. The legates attempt to end that controversy ; but in vain. The French king attempts it. A meeting on that occasion. The condescension of the king. The obstinacy of the archbishop of Canterbury. 316.

CHAPTER XIV.

AB ANNO 1169 AD ANNUM 1176.

1. A dispute betwixt the emperor Frederic and pope Alexander : the issue thereof. The king hopes to gain the court of Rome by presents ; is deceived therein. 2. The court of Rome resolves to excommunicate the king ; represents him as a tyrant &c. ; issues out a bull against all that should adhere to him. 3. A bull of excommunication against the king. The archbishop of York suspended for crowning the young king : the reason thereof. Pope Alexander threatens to depose the king. 4. The king sinks under the dispute ; the reasons thereof : makes an agreement with the archbishop of Canterbury ; the mischiefs thereof. Proceedings of that prelate. 5. Becket archbishop of Canterbury forces the king's friends to leave England. The death of that prelate : the occasion thereof. 6. The murder of that prelate makes a great noise. The king vindicates his own innocence. The court of Rome threatens. 7. The king goes to Ireland ; holds a council at Cashel. The Irish church submits to the English. The king makes an agreement with the court of Rome : the articles thereof. 8. The folly and mischiefs of that agreement. 9. The original of appeals to Rome. 10. The ill use which the court of Rome made of appeals. 11. The prior and monks of Canterbury insist on their right to elect a new archbishop ; oppose the king and bishops of the province. 12. Richard chosen archbishop of Canterbury. Henry the young king protests against his consecration. 13. The difference betwixt the two kings gives opportunity to the court of Rome to confirm the election of the new archbishop. Becket late archbishop of Canterbury canonized : some reflections thereon. 14. The French king prepares to invade England. King of Scots enters England with an army ; is defeated. The king goes a pilgrimage to Canterbury. 15. A council held at Westminster : the canons thereof. 16. The king goes to York ; receives the homage of the king of Scotland, who agrees that the church of Scotland should pay all due subjection to that of England : the reason thereof. 17.

A legate arrives in England; pretends to settle the difference betwixt the two archbishops: the grounds and issue thereof. 342.

CHAPTER XV.

AB ANNO 1176 AD ANNUM 1181.

1. King discharges the clergy and religious from his secular courts. The ground of their claim considered. 2. Authority of princes in matters of religion: the ground of that authority. 3. Objections against that authority considered. 4. Difference between churches considered as pure spiritual societies and national bodies, and their inherent and acquired rights. 5. Supremacy of princes and original rights of the church consistent. 6. The court of Rome pretends to assert the liberty of the clergy. The intention of that court therein. 7. The authority of kings said not to extend to the affairs of the church. The danger of that principle. The clergy of England just to the rights of the crown. The true ground of the papal usurpation. 8. Some reflections on the ill conduct of the kings of England. The ill effects thereof. 9. The court of Rome makes a general assault upon the civil power. The emperor forced to make his peace with pope Alexander. The circumstances thereof. 10. Some reflections on that agreement. The pope transported with his success. 11. Lewis king of France comes in pilgrimage to Canterbury: his bounty to the monks. 12. The kings of England and France make peace; agree upon an expedition to Palestine. 13. A contest betwixt the archbishop of Canterbury and the monks of St. Augustin's: the occasion thereof. 14. The archbishop of Canterbury as legate pretends to an authority in the dioceses of other bishops in the first instance. The present state of the western princes. 15. A council held at Rome. The bishops of England &c. summoned thereunto. The use the court of Rome makes of the favours of princes. 16. The proceedings of the aforesaid council. Pope Alexander puts an oath of fealty on the German bishops. That oath taken from the feudal law. 17. The canons of that council destructive to the rights of princes. 18. That council pronounces those to be heretics who oppose their designs. 19. The controversy betwixt seculars and religious revives. The archbishop of Canterbury represents to the court of Rome the mischiefs of exempting the religious from the authority of their bishops. 20. The mischiefs which fell upon the clergy by their exemptions from the secular power. 21. Some instances thereof given by the archbishop of Canterbury. 22. Pope Alexander's displeasure against the archbishop of Canterbury for asserting the rights of the crown. 23. The archbishop of Canterbury asserts the rights of the parochial clergy to tithes against the Cistercian monks; commands them to pay tithes. 367.

CHAPTER XVI.

AB ANNO 1181 AD ANNUM 1191.

1. Geoffrey bishop of Lincoln forced to quit his bishopric. A dispute

about the bishopric of St. Andrew's: the occasion thereof. 2. Pope Alexander dies. Lucius succeeds; quarrels with the senate of Rome; begs assistance against them of the king and bishops of England. 3. Assistance sent him from England: the ill effects thereof. Richard archbishop of Canterbury dies: his character and conduct. 4. The reports of the monks concerning that prelate. The troubles the death of that prelate occasioned to the king. The ill effects of that prince's conduct. 5. A council appointed to choose an archbishop. Baldwin bishop of Worcester chosen archbishop of Canterbury. The manner and circumstances of that election. The affronts put upon the king and bishops. 6. The king courted to go to Palestine. The court of Rome hopes to make him king of Jerusalem. 7. His council endeavours to persuade the king from going to Palestine. Many of the English take the cross. Pope Lucius dies. His decree destructive to the rights of princes. 8. Baldwin archbishop of Canterbury builds a college at Hackington: the occasion thereof. 9. The monks of Canterbury oppose his design: the reasons thereof. 10. The court of Rome encourages the monks. The archbishop proceeds; has the countenance of the king. 11. Pope Urban requires the archbishop to demolish his college. Urban dies. Clement succeeds. The effects of the aforesaid dispute. 12. The kings of England and France engage to go to Palestine. The methods made use of to provide for that undertaking. The king dies. The circumstances of the crown at his death. 13. King Richard succeeds; prepares to go to Palestine. 14. Geoffrey made archbishop of York. A dispute betwixt him and the archbishop of Canterbury begins: the occasion thereof. 15. A dispute betwixt the archbishop of Canterbury and the monks of Canterbury: the issue thereof. 16. The king forbids the monks to appeal to Rome. They invite the legate into England. 17. The college of Hackington demolished: the canons removed to Lambeth. 18. The king prepares for his expedition. The ways made use of for that purpose. The Jews massacred on that occasion. 19. The clergy of Normandy discharged from the secular power: the reasons thereof. 20. The English of all ages and sexes go to Palestine. Baldwin archbishop of Canterbury engaged therein. Some reflections on that undertaking. 21. The king sets out for Jerusalem; leaves his affairs in England in disorder. 22. The bishop of Ely not able to keep things at quiet in the king's absence. The kingdom in confusion: the reasons thereof. 400.

CHAPTER XVII.

AB ANNO 1191 AD ANNUM 1196.

1. King Richard arrives in Sicily: his transactions there. Abbot Joachim pretends to prophesy; tells the king that antichrist was born in Rome. 2. His character of antichrist applied to pope Celestine: the reason thereof. 3. William king of Scots applies to pope Celestine. He declares the church of Scotland dependent on that of Rome. 4. He cuts off the pretensions of the two archbishops to a primacy over Scotland; declares

Scotland independent on the kingdom of England. Some reflections thereon. The bishopric of Candida Casa within the province of York. 5. The king lands in Cyprus; marries Berengera; goes to Palestine. Baldwin archbishop of Canterbury dies. 6. The king's ill success. He attempts to return to England; is taken prisoner. 7. The French king and the king's brother attempt to depose him. His conduct under confinement. The distracted state of the nation during his absence. 8. The king agrees for his ransom. The methods used to pay it. The mischiefs his absence occasioned to the church. 9. The religious withdraw themselves from the civil authority. Reginald chosen archbishop of Canterbury. The circumstances of that election. 10. Reginald archbishop of Canterbury dies. Hubert chosen archbishop of Canterbury: the circumstances thereof. 11. The king returns to England; settles his affairs there. 12. The ways made use of to pay the king's ransom. The mischiefs the nation suffered by his late expedition. 13. The court of Rome sets forward a new expedition to Palestine: the methods they make use of. 14. Geoffrey archbishop of York charged with neglect: the grounds thereof. 15. The conduct of the court of Rome during the king's imprisonment. 16. Hubert archbishop of Canterbury holds a council in York. The dean and canons protest against his authority as archbishop of Canterbury. His proceedings therein. 17. A dispute betwixt the archbishop of York and the dean and canons: the occasion thereof. 427.

CHAPTER XVIII.

AB ANNO 1196 AD ANNUM 1200.

1. A controversy betwixt the archbishop of Canterbury and the monks of Canterbury: the grounds and importance thereof. Kings founders of the English bishoprics; patrons thereof. The change attempted. 2. The monks of cathedral churches great instruments in the papal usurpations. Secular canons friends to the civil power. 3. A design formed by the king and bishops to thrust out monks, and bring secular canons into cathedral churches. The college building at Lambeth designed for that end. 4. The archbishop of Canterbury goes on with his college at Lambeth. The monks oppose his proceedings. 5. The archbishop of Canterbury offers terms of accommodation. 6. The monks reject his offers, and apply to the court of Rome. 7. That court favours the monks. The king resents the proceedings thereof; asserts the cause of the archbishop of Canterbury. 8. The convent affronts the king; refuses to submit to any decision but that of the court of Rome. 9. The epistles of pope Innocent to the king on that subject. 10. The king uneasy at the proceedings of that court. 11. King Richard dies. John succeeds. The French assert the title of his nephew Arthur. 12. The mischiefs of the papal usurpation begin every where to appear: Urspergensis' account thereof. 13. A dispute about the election of the bishop of St. David's: the occasion thereof. 447.

CHAPTER XIX.

AB ANNO 1200 AD ANNUM 1202.

1. The chapter of St. David's pretend to choose their own bishop: they choose Giraldus Cambrensis. The ancient state of that see. 2. Cambrensis' plea at Rome: the inconsistency thereof. The present state of the clergy of Wales. 3. The king and the archbishop of Canterbury oppose the designs of Giraldus to make the bishops of St. David's archbishops. 4. The proceedings of the king in that affair. Pope Innocent imposes a tax upon the clergy. 5. The ground of that proceeding. The art of pope Innocent to make that imposition pass upon the clergy. 6. The monks of Canterbury and the Cistercians exempted from that imposition. The mischiefs thereof to the crown and kingdom. 7. The archbishop of Canterbury calls a council to meet at Westminster: the chief justice forbids his proceedings therein. 8. Some reflections on the proceedings of that council. The canons thereof. 9. Vicarages first erected: the occasion and effects. 10. Hugh bishop of Lincoln dies. The kings of England and Scotland assist at his funeral. He is canonized. 11. The grounds on which the court of Rome moved in things of this kind. The bishopric of Lincoln continues void: the reason thereof. 12. A difference betwixt the king and archbishop of York: the grounds thereof. A contest betwixt the king and the monks of St. Augustin's in Canterbury: the occasion. 13. Pope Innocent espouses the interest of the monks; determines against the king. 14. Pope Innocent writes to the king in favour of the monks. 15. A pretended prophet from Normandy preaches up the observance of the Lord's day. 16. The king grants a fortieth part of his revenues for the holy war: the reasons and effects thereof. 462.

CHAPTER XX.

AB ANNO 1202 AD ANNUM 1209.

1. Some reflections on the conduct and misfortune of the king. Pope Innocent's designs upon the eastern empire. 2. The holy warriors attack Constantinople. The pretended and true grounds of that war. 3. That expedition designed to serve the court of Rome: the effects thereof. 4. Hubert archbishop of Canterbury dies. The monks choose Reginald privately; oblige him to an oath of secrecy; proceed to a new election; choose John bishop of Norwich. 5. A character of Hubert archbishop of Canterbury. The loss the king sustains in the death of that prelate. 6. The case of the double election heard at Rome. Pope Innocent determines against the bishops of the province: the reason thereof. The ancient usage of the church in the election of bishops. 7. Pope Innocent vacates both elections; forces the monks to proceed to a new election. Stephen Langton chosen archbishop of Canterbury. 8. The king resents that proceeding; turns out the monks of Canterbury. 9. The king writes to pope

Innocent; threatens to cut off all communication with Rome: the effects thereof. 10. Pope Innocent defends his proceeding. The grounds of that defence. The present state of the papacy. 11. The court of Rome changes the government of the church; pretends to have a right to confirm the election of emperors. 12. The use the court of Rome makes of the holy war. 13. The ill state of the English monarchy. 14. Pope Innocent puts the kingdom of England under an interdict. 15. The king provides for his security. 483.

CHAPTER XXI.

AB ANNO 1209 AD ANNUM 1212.

1. Pope Innocent excommunicates the king: the effect thereof. 2. Pope Innocent endeavours to withdraw the nobility from their duty to the king. 3. His treatment of the Christian princes. 4. The barbarities committed in France by the appointment of that prelate. 5. He excommunicates the king of France. His proceedings with other Christian princes. 6. The tameness of Christian princes. The king fears the issue of the present controversy. 7. Hugh Wells chosen bishop of Lincoln by the interest of the king; goes over to the side of pope Innocent. 8. The king offers terms of accommodation. 9. His terms are refused. The tendency of this controversy. 10. A new expedient, offered by the king, rejected: the reasons thereof. The ground of this controversy. 11. The pretended servitude of the English church. Peter king of Arragon's treatment by the court of Rome. 12. The king offers new terms. Some hopes of an accommodation. 13. All hopes of an accommodation vanish: the reasons thereof. 14. The king provides for his defence. 15. The methods of the court of Rome to subdue the king. His kingdom given away to the French. 504.

CHAPTER XXII.

AB ANNO 1212 AD ANNUM 1214.

1. The French prepare to invade England: the reasons thereof. 2. Pope Innocent sets on foot a pretended holy war against England; invites the princes of Europe to assist him therein; pretends it to be the cause of God. 3. Pandulphus comes into England; brings a project of accommodation from pope Innocent. 4. The king submits to pope Innocent; surrenders his crown and kingdom: the reasons thereof. 5. The king is persuaded to declare his surrender voluntary. 6. Pandulphus endeavours to persuade the French king. That prince out of patience at his disappointment. 7. The court of Rome transported with their success. All the other parties uneasy therein. 8. Pope Innocent's description of the papal monarchy. Gaining the temporal power the ground of all the proceedings of the court of Rome. 9. The exiled clergy return to England. Several councils meet to inquire of the damages they had sustained: the secret matters concerted therein. 10. The nation uneasy under the late submis-

sion of the king. The king is made sensible thereof; said to desire the assistance of the emperor of Morocco. 11. The grounds of that report. Changes produced by the king's resignation. 12. Pope Innocent projects the confirmation of the king's resignation by the bishops and barons. A council meets at St. Paul's to release the interdict. The king does homage to the legate; renews his oath of fealty. Pope Innocent increases the payment of Peter-pence. 13. The bishops and nobility refuse to consent to the king's surrender. The archbishop of Canterbury said to protest against it. The bishops and nobility agree to oppose the court of Rome: the reasons thereof. 14. Some reflections on those proceedings. The court of Rome studies to oblige the king in the promotion of bishops. 15. The clergy and religious appeal to Rome, but in vain; are despised by that court. 16. Pope Innocent commands his former letters in favour of the clergy to be burnt. The king loses the affections of his people. The lower clergy and religious demand satisfaction from the legate..... 530.

CHAPTER XXIII.

AB ANNO 1214 AD ANNUM 1216.

1. The king grants a general freedom of capitular elections. The different claims of the religious and secular canons considered. 2. The ancient usage of the English church and the kings of England in that particular. 3. The patronage of the crown in the donation of bishoprics considered. The claims of the kings of England, and the sense of the ancient church, in that particular. 4. Some objections against the aforesaid patronage considered. 5. The reasons of the aforesaid grant. The end the court of Rome served thereby. The bishop of Rome commands the dean and chapter of York to choose their archbishop; voids the election. 6. The barons demand the laws of king Edward: the ground thereof. 7. The king refuses. They fly to their arms. 8. The barons pretend to religion as the ground of the quarrel. The true grounds of that war. 9. The account the king and pope Innocent give of that war. 10. An agreement betwixt the king and barons. 11. That agreement broken: the reason thereof. 12. The court of Rome sides with the king; excommunicates the barons; suspends the archbishop of Canterbury. 13. Deprives his brother, archbishop of York elect: the reasons thereof. Pope Innocent calls a council which meets at Rome. 14. The state of the western nations at the time of that council. 15. Pope Innocent summons Christian princes to that council. The manner of proceeding therein suited to the present state of the papacy. The difference betwixt the style of that and of the ancient councils. 16. Pope Innocent forces the bishops and abbots there assembled to pay him money before he suffers them to depart. Some reflections on that council. 17. The excommunication of the barons renewed in that council..... 555.

CHAPTER XXIV.

AB ANNO 1216.

1. King John raises an army; reduces the barons to difficulties. They apply themselves to the French king. 2. Pope Innocent endeavours to break that design; pretends that king John was his vassal. 3. Prince Lewis comes into England; is received as king of England; is excommunicated by the pope's legate. 4. Lewis and the barons reduce the southern parts of England to their obedience. 5. Some reflections on that war and the occasion thereof. 6. The mischiefs and dishonours the English nation suffered by the war. King John and pope Innocent die. 7. The services done to the papacy by pope Innocent. 8. Some reflections on the deaths of pope Innocent and king John. 9. King John said to be poisoned: the ground of that report. 10. Some reflections on his reign. 587.

CHAPTER XXV.

THE CONCLUSION.

1. The ancient state of the British church. 2. The ancient state of the English church. 3. The papal usurpation begins: the persons and estates of the clergy subject thereunto. 4. The effects thereof. The sense the nation had of those abuses. 5. Legates of the bishops of Rome had no authority in England till the twelfth century. 6. Authority of the English church broken by introducing the legatine power. 7. Court of Rome usurps on the authority of diocesan bishops. 8. The mischiefs the lower clergy suffer by that usurpation. 9. State of the religious under it. 10. Authority of the kings of England in ecclesiastical matters. 11. Court of Rome attempts to usurp the rights of the crown; gains the right of patronage. 12. Usurps from the crown the right to convene national synods, and the right to appeals. 13. Usurps from the crown a power over the clergy. 14. Usurps a power to lay impositions on the clergy and religious: the consequences thereof. 15. Kingdom made a fee of the papacy. 16. The mischiefs occasioned by the papal usurpation intolerable, and never cured till the Reformation. 598.

ASTOR LENOX TILDEN FOUNDATION

1895

The first of the three meetings was held on the 1st of January, 1895, at the New York Public Library, and was attended by a large number of the members of the Society. The second meeting was held on the 15th of January, and the third on the 29th of January. The meetings were held in the evening, and were very successful. The first meeting was held in the evening, and was very successful. The second meeting was held on the 15th of January, and the third on the 29th of January. The meetings were held in the evening, and were very successful.

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DEDICATORY EPISTLE TO THE SECOND PART.

TO THE QUEEN.

MADAM,

THE honour your Majesty was pleased to do me by your gracious acceptance of the History of the Ancient English Church has encouraged me to beg leave to lay this continuation thereof at your royal feet.

Although your Majesty needs no advice or example to guard you from the designs of a court which owes its greatness to the spoils of crowns and Christian churches, and the generous zeal with which you espouse the common interest of the reformed churches abroad, the wisdom, the tenderness, the exemplary piety, and the royal bounty, with which you at once protect and adorn and provide for the future glory of that church which so happily flourishes under your government at home, call for the orator to invite your people to learn wisdom and goodness from your great example, rather than a history which obliges me to observe the mistaken conduct of some of your ancestors, as well as the unworthy arts of the court of Rome, which opened the way to an usurpation no less fatal to the just authority of the crown than to the honour and purity of the church and the good of the nation; yet the miscarriages of past reigns, and the ill effects which attended them, add so much lustre and value to the wise conduct of your own reign and the happiness which all your people enjoy therein, the mischiefs which these nations suffered under the papal usurpation give so just and so lively a view of the necessity, the wisdom, and the blessings of the Reformation, and so naturally tend to raise the most sincere and profound veneration for that church which teaches all your people to be just to the religion of Christ, the supremacy of the crown, and the peace and welfare of your

kingdoms, that I am not without hopes of doing good to the present age by bringing the fatal policies of remoter ages into view.

It is with this prospect that I have composed and published, and now presume, with all submission and humility, to recommend the following history to your most sacred Majesty's royal patronage and protection.

May that God, who has raised up your Majesty for a great instrument of his providence in doing good to the world, continue to bless your person, your counsels, and your arms, till by a long course of wise administration you have finished the brightest pattern for all the succeeding reigns at home, and made your name immortal abroad by adding to the titles which you inherit with your crown these no less glorious, the protector of the oppressed, the restorer of the peace and liberties of Europe.

I am,

May it please your Majesty,

Your Majesty's most obedient and most dutiful

subject and chaplain,

JOHN INETT.

PREFACE TO THE SECOND PART.

THOUGH truth is a blessing which God has laid open and in common to mankind, and those who consider the nature of man and the great purposes for which he is sent into the world cannot but own, that every one has the same right and is under the same obligation to embrace truth and reject error, as to make a right use of his natural faculties, or to believe and obey God, and to take care of his own salvation ; (and this is so evident, that, if those who plead for an implicit faith did not at the same time offer us marks of the true church and the infallible guide, and in so doing make every private Christian a judge in the greatest and most perplexed controversy in religion, and appeal to the reason which they call us to resign, and by contradicting themselves become the jest, they would fall under a different character and be treated as the common enemies, of mankind ;) yet it must be owned, that it is a strange deference and veneration which some men pay to the understanding and usages of their ancestors. They will not see, if their fathers happened to live in the dark ; refuse truth, if not offered to *them* ; and venture their salvation upon the credit of *their* wisdom who wanted opportunities to be sufficiently informed ; and even choose error, if it has but the colour of antiquity to recommend it. And, which is stranger still, as if there was some particular charm in proximity of blood, error in the possession of their immediate ancestors has the advantages of truth at a distance ; and the dark, illiterate, and corrupted are by some Christians preferred to the more knowing and purer ages of the church. And it is so difficult to set men right who go wrong out of choice, that he who attempts to undeceive them is more likely to fall under their displeasure and be thought their enemy for telling them the truth, than to convince and bring them to retract their errors.

But, if some men add obstinacy to their mistakes, nothing can be more reasonable than that those who never received or upon better information have forsaken them should be just to truth, and guard the honour of their religion from the censures and reproaches of those who unhappily mistake and pervert it. Our enemies know too much to trust their cause to the decision of that rule which ought to determine all the controversies of the Christian church, take refuge in antiquity, and hope for the protection amongst men which God and his word have denied them; and, when we plead scriptures, boldly reply, that the doctrines which they now maintain are the same that our ancestors received with their Christianity, and the authority which they challenge no other than what *they* submitted to. Although there is no weight in arguments of this kind but such as may with equal force serve the interest of Judaism against our common Christianity, and paganism against them both, yet, the better to undeceive men in their own way by removing the popular objections from antiquity which commonly mislead them, I have ever thought that a fair and impartial history of the corrupt doctrines of the church of Rome would be the best answer to the antiquity pretended for them, and just views of the time and the unworthy arts by which they gained a power over the western churches the best and all the apology that was necessary to justify their rejecting of it. This consideration seems to have directed the labours of that great prelate¹ who wrote the History of the British Church, and the same views have been the guide to the continuator thereof.

The case of the British church is so fully accounted for by the aforesaid prelate, that I shall say nothing of it; and what has already been observed in the History of the first ages of the English Church will render it needless to say more to justify the doctrine of our holy mother, but only to remind the reader that the missionaries from Rome, who bore a part in the conversions of our ancestors, suffered them to bring some corruptions and superstitious practices along with them into the church. Yet they maintained the doctrine of Gregory the Great, who forbade the worship of images; and God

¹ [Bishop Stillingfleet. See before, Part I, Preface, note 13.]

was the only object of their worship². They followed the ancients in their prayers to him to consummate the happiness of departed souls, but knew nothing of praying them out of purgatory³. Their homilies are full and express against the doctrine of transubstantiation⁴. They translated the holy scriptures into the vulgar tongue, and by their canons required the reading of them⁵. They forbade private masses, and required and practised the administration of the sacrament in both kinds⁶. And if Lanfranc and the Norman clergy made any change in the doctrine of the blessed sacrament, it went no further than private opinion till the council of Lateran in the beginning of the thirteenth century⁷. That of Constance in the fifteenth shows us when and by what authority the practice of administering the sacrament in one kind was first established⁸. The original of chantries in England in the thirteenth century shows when the doctrine of purgatory was received. That of infallibility arose out of the claims of an universal pastorship, first broached by Gregory the Seventh in the latter end of the eleventh century, but sped in England as it did in France, and was never received. In short, if the world had a just history of popery, they would have great reason to repent their rashness who plead antiquity for it and put their cause upon that issue. And the many new doctrines first established by the council of Trent so fully confirm the truth of this assertion, that I shall think it needless to say more upon this head ; nor had I said this but, by showing the reader that these doctrines fall not in the compass of my present design, to account for the reason of my silence on this subject in the following history.

In this volume⁹ I have endeavoured to perform what I promised to the public in my last ; that is, to give a just view of the English church for some time after the Norman revolution, and in particular of the rise and steps of the

² [See before, I, ii, 9, 10 ; xiii, 2, 3, 7, 8 ; xvi, 4-6.]

³ [See before, I, xiv, 1, 2.]

⁴ [See before, I, xx, 9, 10 ; xxi, 5, 6.]

⁵ [See before, I, xvii, 14 ; xi, 16.]

⁶ [See before, I, xxi, 7, 8.]

⁷ [See below, II, ii, 14. Concil.

Lateran. IV, an. 1215, Decret. I De Fide Catholica, Mansi XXII, 982.]

⁸ [Concil. Constant. an 1415 Sess. XIII, Mansi XXVII, 727.]

⁹ [The second part of this work was first published in one volume folio six years after the first part.]

papal power, and the changes, as well in the government of the state as the church, which attended it. And because the controversies about investitures, the legatine power, the right of appeals, the exemption of the religious from the authority of their bishops, and both of them and the clergy from the civil power, and the patronage of the crown, give the best light to the government and discipline of the ancient English church, and show us when and how a change was introduced, (and that of England was much the case of other churches abroad, which by the same men and by the same arts and about the same time were broken and subdued to that of Rome,) I have therefore thought myself obliged to be more full and particular in observing the steps and conduct of those long disputes. And indeed, however these controversies pass under other titles, the subject of them was neither more nor less than whether the kings of England should continue or the bishops of Rome should be raised to the head of the national church; whether the bishops of England might act up to their character and the canons of the universal church, or whether the bishops of Rome might supersede the commission of Christ, and at pleasure control the authority of his church; whether they should govern the church of Rome as bishops, or, as monarchs and sovereign princes, preside over the universal church.

Nor was England the only scene of controversy; but from the pontificate of Gregory the Seventh in the latter end of the eleventh century, when the pretence to an universal pastorship was first broached, till the time of pope Innocent the Third in the beginning of the thirteenth, when the authority of the bishops of Rome arrived at its utmost height of grandeur and elevation, the history of the western churches is little else but one continued scene of strife and contention, one long struggle betwixt the bishops of Rome endeavouring to raise themselves, and the princes and bishops of the west to guard their kingdoms and churches from their usurpation and encroachments. This was so much the case of England, and the artifices and attempts of the bishops of Rome in pursuance of the aforesaid design make so great a part in our history, that it is impossible to give a just view of the English church without observing the measures and conduct of those

prelates, whose ambition and designs did about this time occasion so much trouble, and in the event drew so many mischiefs on the church and nation.

It is but too evident that the bishops of Rome did in time gain a jurisdiction over the English church: and this has been industriously misrepresented, and so artfully covered with the pretence of antiquity, as to deceive some, and raise doubts and scruples in the minds of others; and this pretence was first made use of to prevent and embarrass all the steps to the Reformation, and ever since to reproach us with a charge of schism. Besides, not only the doctrines of infallibility and necessity of communion with the church of Rome, but all those doctrines which properly fall under the head of popery, arise out of the claims or depend upon the authority of the see of Rome, and stand and fall with them; and the honour and justice of the Reformation do in some measure turn upon the same foot. I shall therefore, the better to set these matters in a true light, ask the reader's leave to make some historical remarks on the ground and progress of the claims of the court of Rome, which for the reasons above do necessarily take up so much room in the following history.

The unparalleled assurance with which some men challenge a power, which, like the rivers of Paradise¹⁰, encompasses the whole earth, extends to the other world, and determines the future state of mankind; which in many instances pretends to control the authority of God, to allow what he forbids and forbid what he allows, to set up itself as a standard of truth and error and the last resort of justice; would tempt one to think, that a claim which at once shocks the natural notions of God and religion and the common sense of mankind should have the most express authority of God, or at least something to colour so extraordinary a pretence. But how wretchedly is one disappointed, who finds all this founded on nothing but upon some occasional discourses of our Saviour with St. Peter, or some particular advices and reproofs addressed to that apostle¹¹, but so far from giving the least colour to

¹⁰ [Gen. II, 11.]

¹¹ [For instance, Matth. XVI, 18, 19; Luke XXII, 32; John XXI, 15-17. See "The Texts examined which Papists cite to prove the Supremacy of the Pope" by

bishop Patrick in Gibson's "Preservative against Popery" Tit. II, pp. 6-25; and Rawlett's "Dialogue betwixt two Protestants" Part I, Ch. v, *ibid.* Vol. III, Append. p. 22.]

the claims built upon them, that it is hard to say whether they who found them here, or those who carry us to the history of the Creation and undertake the proof from God's making two great lights¹², have the greater advantage in the argument.

If one looks to the commission which our Saviour gave to his apostles in his lifetime to preach to the Jewish nation, exclusive both of the Gentiles and Samaritans, or to that after his resurrection, when all power both in heaven and earth was given to him, to go out into all the world and preach the gospel to every creature, and finds not the least mark of any particular power given to St. Peter¹³; if one considers, that, although Christ as God-man was the great Law-giver to his church, yet this power was founded in his Divine nature and was essential to and inseparable from the person of the Mediator, that as a prophet he "came not to be ministered unto, but to minister"¹⁴, that it was this ministerial and prophetic power which he committed to his church; we are so much to seek for the regalia of St. Peter, that, if history did not explain the secret, the Christian church had in probability been as little acquainted with the pretended powers of the bishops of Rome as the patriarchs were who lived before the flood.

But it is so natural to men who make their fortunes in the world to indulge a vanity, and (the better to cover the meanness of their own original) to look backward to find or make a pedigree to add a lustre to the family which themselves first raised, that we are not to wonder if the bishops of Rome took the same measures, and endeavoured to persuade the world that the authority which was first gained by their own conduct was founded in the commission of Christ. And the sense and practice of the whole Christian church for a thousand years after Christ do so fully confirm this conjecture, that there is no one thing more evident than that the aforesaid claims and the wrested interpretation of scriptures on which they are built had the same beginning, and were ushered into the world by that ambition which first broached the pretence to an universal pastorship.

And the success and credit thereof has been answerable to

¹² [See below, xxi, 5, note 7.] ¹⁹; Mark XVI, 15.]

¹³ [Matth. X, 5-7; XXVIII, 18, ¹⁴ [Matth. XX, 28.]

the weakness of the pretence: for at least two thirds of the Christian world rejected as well the aforesaid interpretations as the doctrines which were built upon them; and those Christians who have been unhappily deceived by the assurance with which the court of Rome has endeavoured to impose their pretensions do still differ so much about them, that, if a visible interest did not enable us to account for it, one would wonder how such great bodies of Christians should centre in the communion of a church, when the principles on which that unity is founded so vastly differ, or rather so directly destroy one another, that it may be truly said of the claims of the court of Rome, that they have had the fate which commonly attends impostures, which seldom need any thing else to detect and expose them but the inconsistent tales which are usually made for their colour and support. For a primacy of order, an universal pastorship by divine right, and an authority over the western church in right of the patriarchate of Rome, are things so widely distant in their own original, their nature, and extent, that, if they do not flatter themselves who tell us that the Spanish and Italian churches maintain the supremacy, and in consequence thereof the infallibility, of the bishops of Rome by divine right, the Gallican church is certainly in the wrong and guilty of heresy in denying both; but if the French are in the right, the charge of heresy will with equal force turn back on the Spanish and Italian churches.

If a more favourable construction be put upon this controversy betwixt those churches, it may be it will appear much more to the disadvantage of those claims which occasion it: for, if those who boast so much of the zeal of the Spaniards for the grandeur of the papacy would follow them to their dominions in Italy, and observe the jurisdiction which they challenge and exercise in the right of the crown of Naples¹⁵, and call to mind the vigorous efforts of their

¹⁵ [The kingdom of Naples was part of the dominions of the kings of Spain from 1503, when it was shamefully acquired by Ferdinand the Catholic, to 1713, when the peace of Utrecht, to which the emperor Charles VI acceded in 1714, assigned it to the house of Austria, by whose troops indeed it had been conquered in 1707. To this kingdom, the *Dominj di quà dal Faro*, dominions on this side of the Straits of Messina, the name *Sicilia Citeriore* or *citra Pharum* has

bishops as well as of the French and Germans in the council of Trent for the divine right of episcopal residence and the consequence of that doctrine¹⁶, or consider their friendship and communion with the Gallican church, which so openly denies and confutes the supremacy of the bishops of Rome, they cannot easily be persuaded that the Spaniards are such friends to those claims as some men seem to believe. And one who reflects on the conduct of the Portuguese upon that revolution which brought the present royal family to the

been commonly given by Neapolitan writers since the year 1282. But the kingdom of Sicily proper, *Sicilia Ulteriore* or *di là dal Faro* (*ultra Pharum*), passed to Pedro III king of Aragon after the massacre known by the name of the Sicilian Vespers in 1282, and was so inherited by Ferdinand on the death of his father John II in 1479. And it was only over the island of Sicily, with perhaps some portion of Calabria, that the jurisdiction of which Inett here speaks as appurtenant to "the crown of Naples" properly extended. For it was derived from a grant made by pope Urban II in 1098 to Roger count of Calabria and Sicily, brother of Robert Guiscard, whereby the count and his successors in those dominions were appointed perpetual legates there of the holy see; and its proper designation was the Monarchy of Sicily. See Giannone, *Istoria Civile del Regno di Napoli* Libr. X, cap. viii, where he speaks with much praise of a treatise put forth by Du Pin in 1716 (*Défense de la Monarchie de Sicile contre les entreprises de la Cour de Rome*), when pope Clement XI had seized the opportunity afforded by the recent change of sovereigns in Sicily to attempt the abolition of the Monarchy. It should be added that archbishop Bramhall, in the eighth chapter of his *Just Vindication of the Church of England*, shows that the kings of Spain claimed and exercised in other parts of their dominions their essential rights of sovereignty in ecclesiastical matters

notwithstanding the pretensions of popes.]

¹⁶ [It was admitted on all sides at the council of Trent that the first step to remedy the maladies of the church must be to enforce the residence of bishops in their several dioceses, a remedy which pious and learned men had before recommended very strongly, affirming that the obligation to residence was "de jure divino", by the law of God. That position was maintained by most of the Spanish divines at Trent, and was supported by them on the ground that the pastoral charge and oversight which Christ himself had committed to bishops could only be performed by personal superintendence. But in using this argument they had in view another most important consequence, the deliverance of bishops from their dependence on the pope. "For, if it were once decided that they had the charge from Christ to govern their church, it would be decided also that they have from him authority necessary for it, which the pope could not restrain." On the other hand, the Italian prelates and canonists for the most part held that the obligation to reside was by the ecclesiastical law, and therefore only "de jure positivo", and asserted that non-residence was not censured in ancient times as a violation of the law of God, but of the canons only. See Sarpi's *History of the Council of Trent*, tr. Brent, Book II, pp. 191, 218, 219, 232; Book VI, p. 487; Book VII, 597-614, 623, 624, 636-644; Book VIII, pp. 733-737, ed. 1629.]

crown of Portugal¹⁷, with what steadiness and resolution they opposed the attempts of the court of Rome to gain a part in the nomination of their bishops ; that notwithstanding the unsettled state of the new government, the vigorous attempts of the Spaniards to reduce that kingdom to their obedience, the utmost inconveniences which their church suffered by that dispute, yet for above twenty years they maintained their ground, and at last secured the rights of the crown¹⁸ ; will be apt to think that the bigotry of that people is not such a blind and governable thing as some men seem to imagine. And indeed the conduct of all the western princes in communion with the church of Rome is so much alike, whenever their interests call them to dispute the claims of the court of Rome, as might convince the world that they mean no more by the pompous titles they bestow upon the bishops of Rome, than what the emperor Phocas intended, when he conferred upon them the title of oecumenical bishops¹⁹, or the preceding emperors, when in their edicts and rescripts they gave the same titles to the bishops of the greater sees²⁰. And the unsuccessful attempts of those prelates to put an end to the disputes betwixt the Dominicans and Franciscans, the Jansenists and the Jesuits²¹, and even to quiet the trifling squabbles, where the sentiments, the honour, the offices, or the privileges of particular orders are concerned, would incline one to think that the universal

¹⁷ [In 1580, on the failure of direct heirs to the crown of Portugal, the claim of Philip II of Spain was successfully enforced by his troops under the famous duke of Alba, and the kings of Spain were kings of Portugal likewise for sixty years. In 1640 the Portuguese nobility shook off the yoke, and called to the throne John duke of Bragança, the legal representative of their old royal family, and in his line the crown of Portugal has ever since continued ; but the Spanish claim was not abandoned till 1668.]

¹⁸ [See all this related in Dr. Michael Geddes' "History of the Pope's behaviour towards Portugal from the year 1641 until the year 1666" in the second volume of his "Miscellaneous Tracts", which was

published in 1705.]

¹⁹ [See before, I, iii, 8, note 4.]

²⁰ [See Bingham, Orig. Eccles. I, ii, 7, II, ix, 6.]

²¹ [The chief point in dispute between the Dominicans and Franciscans was the immaculate conception of the blessed virgin, which the latter stoutly maintained, and the former as stoutly denied, and which has been reserved for pope Pius IX in the year 1854 to establish as a tenet of the church of Rome. The contest between the Jansenists and the Jesuits was upon a matter of infinitely greater moment, the nature and efficacy of sanctifying grace. See Mosheim, Eccles. Hist. Cent. XII, Part. II, Ch. iii, § 19 ; Cent. XVII, Sect. II, Part I, Ch. i, §§ 48, 40-45.]

pastorship has little credit amongst those who are under the obligations of vows and interest to support it.

Whatever the present sense of some western churches may be in this particular, nothing can be more evident than that all the apostles and all the first Christian bishops consulted and acted in common, and ever treated one another as colleagues and brethren; that the government and discipline of the whole Christian church was founded on a belief of an equality of character and power common to the whole order of bishops²²; that several popes in their dispute with the African bishops founded their claim on a pretended canon of the council of Nice²³; that, when the title of universal bishop was first given to the patriarch of Constantinople, Gregory the Great founded his arguments against that title, not on any particular right of his own see, but on the indignity thereby offered to the whole order of bishops²⁴: to say no more, the grounds upon which the councils of Nice, Chalcedon, and Constantinople settled the patriarchal dignities²⁵ are so certain, so full and uncontrollable an evidence of the sense of the whole Christian church against the universal pastorship of the bishops of Rome by divine right, that, if some men's ambition had not extinguished all sense of truth and modesty, and some corruptions in doctrine and worship, which depend chiefly on the authority of the see of Rome, had not disposed others to favour the pretensions which at once shelter their errors and serve some unworthy ends, I make no doubt but the claims of that court had long since been exploded, as the worst grounded and the most dangerous imposture that was ever offered to the Christian world.

The Gallican church pretends to steer a middle course betwixt a bare primacy of order by canon and the supreme authority over the church, or the universal pastorship, by divine right; and yet in the decrees of their general assembly in the year 1682, wherein that church has published her sentiments on that subject, they treat of it in such a manner, as if they designed to mortify the power which they pretend

²² [See Bingham, *ibid.* I, v.]

²³ [Ibid. IX, i, 11. See before, I, xi, 12, note 6.]

²⁴ [Gregor. *Epist.* IV, 38 *edd. vett.*, V, 18 *ed. Benedict.* 1705. But the

title had been given before to patriarchs of Constantinople. See Bingham, *ibid.* II, xvii, 21.]

²⁵ [See below, after the next two paragraphs.]

to advance, to justify the churches which are already reformed, and open the way to the reformation of that of France. For, whilst they assert the primacy of St. Peter and his successors by the institution of Christ, speak of the majesty of the apostolic see and the obedience due to the bishops of Rome from all Christians, they renounce the authority of the church in temporal matters, they confirm the Council of Constance, the fourth and fifth Sessions especially, which subject the bishops of Rome even to be deposed by a general council, deny their infallibility in matters of faith, and bound their authority in matters of discipline, not only by the canons of the Christian church, but by the rules, customs, and institutions of states and national churches, and found these decrees on the authority derived to them from the Holy Ghost²⁶. How consistent these decrees are with themselves or with the usages of the Gallican church, I shall leave others to determine: but, if there can be such a visionary primacy as is consistent with the natural rights of princes, the canons of the universal church, the just liberties of national churches, and the authority of Christian bishops, there seems no more reason to quarrel about it, than to make war upon the king of Spain for his title of king of Jerusalem, or undertake to confute the claims of a certain prince who calls himself the emperor of the sun: in short, whatever occasioned or whatever be the issue of these decrees, I cannot but say of them as St. Paul does on a like occasion, Whether of truth and good will or out of contention, yet Christ is preached, and I glory in it²⁷. For the sense of this council is so agreeable to the sentiments of the greatest writers of that nation, who with incomparable learning and judgment have confuted the

²⁶ [This famous declaration of the Gallican clergy is contained in four propositions which Bossuet, the well known bishop of Meaux, is believed to have drawn up, and which he certainly defended in an elaborate treatise entitled "*Defensio Declarationis celeberrimæ quam de Potestate Ecclesiastica sanxit Clerus Gallicanus XIX Martii MDCLXXXII*". This treatise was written by command of Louis XIV, who however kept it from being published, first in the hope, and after-

wards in consequence, of an amicable arrangement with the court of Rome which was made in 1693 under pope Innocent XII; and the work did not appear till 1730, many years after the author's death. Sismondi, *Histoire des Français*, Part. VIII, Ch. xxxiii, Tom. XXV, pp. 429, 430; Ch. xxxvi, Tom. XXVI, pp. 114-116, ed. 1841: Mosheim, *Eccles. Hist.* Cent. XVII, Sect. II, Part I, Ch. i, § 22.]

²⁷ [Philipp. I, 15-18.]

supremacy of the bishops of Rome, and does so much overbalance whatever can be pretended from the contrary sense of the Spanish and Italian churches, and at the same time does so fully assert the independence of the Gallican church, and thereby justify the conduct of the reformed churches, and open a way to the reformation of a church which has made so open and so vigorous a step toward it, that one cannot but hope that it may in time produce great effects for the good of Christendom.

Those who give up the aforesaid claims as indefensible by scripture and the best antiquity, and found their hopes in the patriarchal institution, and upon this foot challenge the obedience of the western churches, have some colour for their pretensions. But, unless this argument be carried beyond its due length, the controversy on this head would be confined to the bounds of Italy, and no way deserve the reflections of an English historian: yet, because this institution leads to the true original of the authority of those prelates, (who suffered their ingratitude to keep equal paces with their ambition, and in time disowned the trust which was the first step to their succeeding greatness,) and to this day continues to be the most colourable pretence for it; to set this matter in a just light, it may be fit to observe the original, the nature, the extent, and consequences of this institution, before I come to consider the sense of the English church and nation in the matter under question.

The gospel having made a great progress in the empire, the fathers of the church began very early to suit the policy and discipline thereof to the form of the civil government, and by silent consent yielded a superiority to the bishops of the greater sees; and, the success of this change answering the expected ends, the first council of Nice settled it by canon, and, leaving the metropolitans, or the bishops of the metropolies, in possession of the power which had before been allowed by silent consent and confirmed by usage, they made a further step, still acting upon the same views, the plan of the civil government. During the infancy of the Roman empire the court of the prefect of Rome was the last resort of justice, and appeals brought thither from the utmost parts of the empire; but, to render the methods of

justice more easy, the succeeding emperors changed this course and divided their dominions into districts, which, from the title of prefects given to the persons who presided in them, came in time to be termed prefectures. And after several changes about the reign of Constantine the Great Rome, Antioch, Alexandria, and Trèves were set out for the residence of their prefects, and the supreme courts of justice to all the adjacent provinces; Rome to some parts of Italy and Africa; Antioch to the eastern provinces; Alexandria to Egypt, Libya, and the neighbouring provinces of the empire; Trèves to Britain, Spain, and Gaul²⁸. From this platform,

²⁸ [There is some confusion here between officers of different rank and authority. In the plan of government begun by Diocletian and established by Constantine the civil administration of the empire was divided between four pretorian prefects, who were severally styled the *Praefectus Praetorio per Orientem*, *Illyrici* (afterwards *Illyrici Orientalis*), *Italiae*, and *Galliarum*, the two former for the eastern portion, the other two for the western. The first named of these officers was attached to and accompanied the imperial court, whence he was sometimes called *Praefectus Praetorio Comitatus*, but his tribunal and office were at Constantinople. The Illyrian prefect had his residence first at Sirmium, and afterwards (on the devastation of Illyricum by Attila) at Thessalonica. The prefect of Italy resided at Milan; the prefect of the Gauls first at Trèves, afterwards in the time of Honorius (when Trèves was lost) at Arles. Rome however retained its *Praefectus Urbi*, who had jurisdiction over some adjacent territory, and Constantinople was soon honoured with a similar officer; and these six prefects were equal and coordinate in dignity and power within their respective districts.

Subordinate to the four pretorian prefects were the administrators of dioceses, styled for the most part *Vicarii*, lieutenants or vice-prefects, but in some instances distinguished by special titles. The first diocese of the east contained fifteen provinces comprising

Cilicia, Syria, Phoenicia, Palestine, Arabia, Mesopotamia, and the island of Cyprus; it was administered by the *Comes Orientis*, who had his residence at Antioch. The next was the diocese of Egypt with six provinces, comprising Egypt and Libya, under the *Praefectus Augustalis* at Alexandria. Of the remaining five dioceses of the eastern portion of the empire it is unnecessary to say any thing, as Inett does not speak of them. In the west the district of the pretorian prefect of Italy seems to have contained five dioceses, under the *Vicarius Urbis Romae* administering ten provinces, the *Vicarius Italiae* with seven provinces, the *Vicarius Illyrici Occidentalis* with six, the *Proconsul Africae* with one, the *Vicarius Africae* with five. Subordinate in like manner to the *Praefectus Praetorio Galliarum* were the *Vicarii* of the Spanish, Gallic, and Britannic dioceses.

See Panciroli's Commentary on the *Notitia Dignitatum utriusque Imperii*, which is contained in Graev. Thesaur. Antiqq. Roman. Tom. VII; Valesii *Notitia Galliarum*, v. "Arelatum", p. 39 b; the *Notitia Dignitatum* and the *Topographia Cod. Theodos.* appended by professor J. D. Ritter to his edition of the *Codex Theodosianus* with Godefroi's Commentary in Tom. VI, Pars ii; and page 27 of a short preliminary treatise by the same author, entitled "*Historia Praefecturae Praetorianae ab origine dignitatis ad Constantinum Magnum*", which was published in 1745, but was never followed by the dissertations promised in it.]

the bounds of the church and the empire being much the same, the bishops of Rome, Antioch, and Alexandria were by the consent of the church raised above the rest by the council of Nice²⁹; and upon the same grounds, after the building of Constantinople and settling it as a new seat of the empire, next in honour and precedence to Rome, and styled New Rome, the bishops thereof were by the council of Constantinople raised to the second place in the church³⁰. Jerusalem, before subject to Antioch, as the mother church of Christendom, was upon that ground considered by the same council³¹; and, as the bishops thereof were the only prelates advanced above their brethren on the foot of our common Christianity, they seem to have much the fairest claim to the eminence of authority which those of Rome only pretend to. Things being thus settled by the councils of Nice and Constantinople, about the time of the council of Chalcedon in the following century the bishops of those churches acquired the title of patriarchs, and their districts of patriarchates; their sees were styled apostolical³², and so great a deference was paid to their persons, that the emperors in their rescripts address to them under the title of holiness, and style them oecumenical patriarchs; and in the VIIth Novel of Justinian, Tit. 1, that prince addresses to Epiphanius then bishop of Constantinople, not only under the title of most holy and blessed archbishop and patriarch of that city, (as the bishops of Rome were usually called patriarchs of the city of Rome,) but adds as a distinct title that of oecumenical patriarch³³.

²⁹ [Concil. Nic. an. 325, can. 6. But the council did not raise these churches: it only confirmed the privileges and dignity which custom had already given them. See Bingham, Orig. Eccles. II, xvii, 6.]

³⁰ [Concil. CPolitan. an. 381, can. 3. Constantinople was founded in 328.]

³¹ [That is, the council of Nice. Its seventh canon confirmed the honorary precedence which custom had allowed to the bishop of Aelia or Jerusalem, but saved at the same time to the metropolitan see of Caesarea its proper dignity and authority. It was the council of Chalcedon, an. 451, which established the patriarchate of Jeru-

salem. Bevereg. Synod., Annotatt. p. 64.]

³² [Not patriarchs only but all metropolitans and their sees were styled apostolical. Bingham, *ibid.* II, xvi, 24.]

³³ [Authent. Collat. II, tit. i. præf. It does not appear that Justinian gave the title of oecumenical patriarch to any one except the patriarch of Constantinople. See Bingham, *ibid.* II, xvii, 21.]

The whole of that chapter of Bingham should be consulted concerning the institution of patriarchs, and the first chapter of his ninth book concerning the division of the church into metropolitan dioceses in conformity with the civil division of the

Trèves the chief seat of the Gallic prefecture, though equally within the reason and grounds of this establishment when it was first projected, had yet no part therein: but this seems owing not to any oversight or omission, much less to any design to open a way to the pretensions of the bishops of Rome, (for the whole course of this affair, and the part which those prelates acted therein, oblige one to believe those pretences were not at this time so much as thought of by any side,) but was occasioned by the circumstances of that part of the Roman empire. For Gaul, which was the name the Romans gave to that vast tract of land lying betwixt the Alps, and the Pyreneans, the Mediterranean, the Ocean, and the Rhine, was exceedingly infested by the irruptions of the French and Almans, the Vandals, Alans, Burgundians, the Sueves and Visigoths; and the French gained such footing therein, that after a succession of some lesser princes the French monarchy was settled by Pharamond about the year 420³⁴. Pretty near the same time the Vandals seated themselves in Spain, as the Saxons did in Britain about the middle of that century; and the whole empire received such a shock in the taking of Rome by the Goths the beginning of the same age, that, although the emperors continued their titles to these kingdoms, yet they were never recovered to the empire, and torn off from it before the final settlement of the patriarchal power in the council of Chalcedon³⁵. The kingdoms about the Baltic were never subdued by the Romans, and the impressions which they made upon Germany were so far short of a perfect conquest, that it may more properly be said that that country added a bare title to the emperors, rather than enlarged the bounds of their dominions.

These few reflections make it easy to conceive how it came to pass that the western and northern kingdoms were so little considered, or rather not thought of at all, by those councils which settled the patriarchal institution: but, if they had, those nations had certainly fallen within the patriarchate

empire into provinces. See also 1830.]
Barrow's well known treatise of the
Pope's Supremacy, on Supposition
V, Works vol. VII, pp. 334-369, ed.

³⁴ [But see before, I, i, 1, note 2.]

³⁵ [A.D. 451.]

designed to answer the Gallic prefecture, and Trèves, not Rome, had been the seat of it; and if Britain, France, and Spain had been laid into the patriarchate of Rome, I make no doubt but the same authority which first settled would have put an end to this institution, had those who formed it lived to see the empire torn to pieces, and in that change the reason entirely extinguished upon which it was founded. And since God only, who sees things that are not as if they were³⁶, can give such laws as shall be for ever binding; since there is not a nation or a church in the world which has not great numbers of laws and canons grown obsolete by change of circumstances; (and this is the case of many canons of general councils, and of that of the apostles to abstain from blood³⁷, and even of the whole ritual law, and must of necessity be the case of all human constitutions, the obligation ever ceasing with the reason on which they are grounded;) nothing can be more evident than this proposition, that it is the interest of a party, not the weight of argument, which supports the pretended patriarchal power of the bishops of Rome: in short, they have as good a title to be kings, as patriarchs, of Great Britain, and might with a better colour challenge the crown from the void resignation of king John, than pretend to an authority over the English church by virtue of those canons which settled the patriarchal power.

But, though the authority of that institution is long since determined with the reason of it, yet it had such good effect in the east, that if it had been carried to the intended lengths, and a patriarchate settled to answer the Gallic prefecture, in all probability it would have prevented the mischiefs the western churches have suffered by the claims of the bishops of Rome: but so it was, that whilst the eastern churches were so well guarded thereby, that notwithstanding the shock they received by the conquest of the Latins in the beginning of the thirteenth century³⁸, and the pretended submission of the Greek to the Latin church in the council of Florence³⁹, the Greek churches preserve their rights and liberties to this day, God for reasons best known to himself left the western

³⁶ [See Rom. IV, 17.]

³⁷ [See Acts XV, 20, 21, 29.]

³⁸ [See below, II, xx, 2, 3.]

³⁹ [A. D. 1439-1442. See Mosheim, Eccles. Hist. Cent. XV, Part II, Ch. ii, § 14.]

churches open and unguarded, and in time suffered them to become a prey to the ambition of the bishops of Rome.

For those prelates, being thus raised to the first place in the Christian church, were exceedingly elated by their new character; and, the way being thus prepared, a great many things fell in to favour their ambition. The zeal and resolution of those prelates in opposing the Arian heresy brightened their character. The countenance which pope Zachary and Stephen gave to the deposition of Childeric king of the Franks, and setting up the Carolingian line, so engaged the princes of that house, that by their interest the Gallican church was united to that of Rome the latter end of the eighth century. The translation of the empire to the Franks, wherein pope Stephen and Leo acted a part, was returned by Charlemagne in conferring great wealth and power and privileges on the see of Rome, and the bishops thereof were thereby raised to the state of temporal princes about the year 800⁴⁰.

The afflictions which fell upon Christendom by those inundations which tore the empire in pieces did indeed lessen their merit, but raised their power and interest: for those invasions in a great measure bore down the religion, and extinguished the learning, and for some time spread paganism through all the western nations; and the bishops of Rome, having a hand in the conversion of these invaders, suffered them to bring a great deal of their pagan doctrine and superstitious worship along with them into the church⁴¹, treated them as the Jesuits have lately done their converts in China⁴², and became popular by indulging and defending their errors. The purity of the gospel being thus corrupted, and the discipline and ancient government of the church in great measure forgotten, great numbers of forged epistles were published to raise a belief of the ancient power and privileges of those prelates, and, though now rejected by the most learned men of that communion, yet passed for true history in the ages wherein they were published, and in great measure answered the purposes for which they were designed⁴³.

But still, though they made a great figure in the west, it

⁴⁰ [See before, I, xi, 7; xii, 3-5; xiv, 7; xv, 9.]

⁴¹ [See before, I, ii, 10; xiii, 2, 3.]

⁴² [See before, I, v, 5, note 4.]

⁴³ [See below, II, x, 10, note 2.]

went little further than parade and show; their power was precarious and uncertain, ruffled and checked at pleasure, and the canons of the church turned against them by every private bishop; in short, their authority was controlled and denied and even insulted, whenever it bore too hard on the rights of princes, synods, and national churches. And thus things continued till Gregory the Seventh in the latter end of the eleventh century published his design to erect the ecclesiastical monarchy⁴⁴. And indeed, whilst the church of Rome continued in a state of dependence on the empire, and the bishops thereof were nominated, or at least their elections confirmed, by the emperors, and did not enter upon the pontifical authority till they were qualified for it by an oath of allegiance to them, it was impossible they should ever raise themselves to a sovereign power over other national churches: for nothing could be so wild and ridiculous as to challenge the title of mistress and mother of other churches, when she was not mistress of herself, or to pretend to separate other churches from a dependence on the supreme authority of states and kingdoms, whilst that of Rome itself remained in a state of dependence on the empire; and the long disputes betwixt the emperors and the bishops of Rome on that subject, begun by Gregory the Seventh, put it beyond all doubt that this was the case of that church when that prelate was raised to the papal chair⁴⁵. Having said this to give a short view of the claims and pretensions of the bishops of Rome, and the first steps they made towards the supreme jurisdiction and sovereign power which they gained in time over the western churches, I come to consider the state and sense of the English church in particular. And here it will be requisite to observe,

I. The nature and extent of the supremacy or sovereign jurisdiction those prelates pretend to. I shall not lead the reader to the dictates or maxims of pope Gregory the Seventh⁴⁶, or to the boundary set out by the canon law or the council of Trent, but observe the nature and extent thereof whilst received in England, or as now exercised in some other churches of the west: and this consisted in confirming

⁴⁴ [See below, II, ii, 9-11.]

⁴⁵ [See before, I, xv, 9; and be-

low, II, ii, 15; iii, 19.]

⁴⁶ [See below, II. ii, 10.]

the elections of archbishops and bishops, putting them in possession of their respective trusts, and in return receiving an oath of canonical obedience from them; calling them to councils abroad and to national synods at home; discharging places and persons from their jurisdiction, and receiving appeals from their courts; exempting the persons of the clergy from the authority, and their revenues from the impositions, of the state, and subjecting both to themselves; exempting the lands of some of the religious from payment of tithes, and subjecting as well them as the secular clergy to first-fruits, tenths, pensions, and subsidies imposed by themselves. There are some other instances wherein those prelates exercised a sovereign power over the English church, but they are branches from these greater articles, and must stand or fall with them. This being said of the nature and subjects of the supremacy of the bishops of Rome, it will be fit to proceed and inquire,

II. How far the ancient English church was affected by it; and here to observe, that, although one part of the English nation owed its conversion to the see of Rome, and all the rest complied too far in some of the rites and usages thereof, and the archbishops did sometimes receive their palls from thence, and the whole English church paid a great deal of deference to the bishops of that see; yet in all our histories and records, from the first planting of the gospel amongst the Britons to the Norman revolution, there is not so much as a single instance of any one bishop, whose election was confirmed by those of Rome, or put in possession of his trust, or tied to them by an oath of canonical obedience; of any council called in England by their authority, or bishop called to their councils abroad; of any person or society exempted from the authority of their proper bishops, or of any appeal made from their courts to that of Rome; of any tenth, first-fruits, or subsidies paid to or imposed by them: in short, there is not any law of the state, nor any canon of the church, that gives the least countenance to the pretended authority of the bishops of Rome; there is not the least mark of any jurisdiction or authority exercised by them over the ancient English church. And one who considers that jurisdiction is a plain and a sensible thing, and appears so evidently in

canons and matters of fact that church discipline and forms of ecclesiastical business do as certainly discover the seat and boundaries of ecclesiastical power, as the style of laws and forms of justice set out the nature of civil government and enable us to distinguish a monarchy from a commonwealth, should, one would think, need nothing more than the entire silence of our history to clear the matter under question.

If this be not enough to give us a just view of the sense and practice of the English church in this particular, it may be fit to observe, that when the legate of the bishop of Rome, Boniface archbishop of Mentz, by whose address the princes of the Carlovingian line were wrought upon to subject, or at least to unite, the Gallican church to that of Rome, in an epistle to Cuthbert archbishop of Canterbury attempted to bring the English church to the like condition, the council of Cloveshoe in the year 747 not only rejected the offer with resentment, but by an express canon asserted the freedom and independency thereof⁴⁷. Besides, as our history does not afford one single instance in favour of the papal claims, on the contrary they are full and express on the side of the royal supremacy. The kings of England acted as the supreme ordinaries and heads of the national church, and as such set out and divided dioceses, named their bishops and received appeals from their courts, convened national councils and by their laws settled the revenues of the church, directed the conduct and punished all offences of the clergy against the state, and, as occasion required, subjected their revenues to the support of the government. And the long struggle and opposition which they made to guard their rights from the usurpations of the court of Rome, and the subsequent changes in the polity and order of this church occasioned thereby, so fully confirm what has been already suggested on this head, that, if some men had not lost all sense of shame and regard of truth, the supremacy of the bishops of Rome over the ancient English church had never been the subject of dispute. But

III. It must be owned that during the reign of William the First pope Gregory published the claims of the bishops of Rome to a supreme authority over the whole Christian church⁴⁸; and what our Saviour said to St. Peter of the rock

⁴⁷ [See before, I, xi, 6-9.]

⁴⁸ [See below, II, ii, 9-11, 15-17.]

on which he would build his church, the charge he gave him to feed his sheep, and what he said of himself of his being the way and the door, and in short all the fine things that could be thought on, were laid together to give weight to, or at least to colour, that pretence. But after all, if arguments of a very different nature from those of the gospel had not come in to their aid, the English church after the Conquest had doubtless paid as little regard to this pretence as it had done before; and this sort of reasoning had signified as much in the western as it did in the eastern churches, which paid no more regard to it than to the claims of the Turks in favour of Mahomet. How it came to pass will be fully accounted for in the following history : but it may be fit to observe on this head, that king Henry the First, by yielding up his right of investiture and giving way to the legatine power, advanced the bishops of Rome to the head of the English church. In consequence of those concessions they became judges of the elections of bishops, put them in possession of their trusts, required an oath of obedience from them, called national councils at home, obliged them to attend their councils abroad, and in time came to lay impositions on the revenues, and to dispose the preferments, of the church. The right of appeals and the exemptions of the clergy from the authority of the state, contended for and begun in king Stephen's, were yielded up in the following reign of Henry the Second, and the designs of that court consummated, and the civil as well as the ecclesiastical supremacy, so far as was in the power of that prince, was put into their hands by king John.

It is here we have the beginning, the steps, and the foundation of the papal supremacy over the English church, which the flatterers of that pretence look for in vain in the preceding ages ; and the whole course of our history so fully justifies this account, that, whereas before the Conquest we have neither marks nor footsteps of the papal jurisdiction, from the time of the aforesaid agreements to the Reformation our ecclesiastic history is little else but different scenes of oppression and remonstrances against the abuses it occasioned. Whether this change in fact and practice altered the sentiments and changed the faith and sense of the church and nation in this particular, is the next thing to be inquired into.

IV. One would have expected that men who are so very forward to reproach us with a parliamentary church and state-religion would have produced some canon of an English national council, grounded on the authority of Christ or the consent of the universal church, to justify this change in the government thereof; at least some public act of the state: but after all it is very evident that through the long controversies which their claims occasioned, some few excepted, the nobility, bishops, and clergy adhered steadily to the rights of the crown and the church; and that, when king Henry did what in him lay to give them away in the great council held in London in the year 1107, he acted wholly upon political reasons, and was over-influenced by his great minister and favourite the earl of Mellent, against the sense of the wiser and greater part of that assembly⁴⁹. And this was so much the case in all the other disputes on this subject, that, if any credit can be given to history, the supreme authority of the bishops of Rome over the English church had no other foundation but some unhappy concessions or leagues betwixt the kings of England and those prelates, occasioned by the bad titles, the weakness, the ill circumstances, or the difficulties which the arts of that court had drawn upon them.

If the same reasons upon which our princes acted in the aforesaid changes did not oblige the church and nation to submit to them, yet, unless the restoration of the papal power in the reign of queen Mary may be so called, it does not appear that it was settled by any law of the state or any canon of the English church: on the contrary the entire and full sovereignty of the imperial crown of England was so constantly asserted by our succeeding kings and their great councils, and the pretended supremacy of those prelates was so frequently denied and controlled and even insulted by the statutes of mortmain, *præmunire*, and provisors, annates or first-fruits, and that of Henry the Seventh rescinding the papal exemptions of the religious from the payment of tithes⁵⁰; so restrained in all the parts and branches thereof, whenever it interfered with the rights of the crown or the good of the nation; and was at last so generally renounced

⁴⁹ [See below, II, vi, 11.]

pp. 429-434; Book VI, Ch. vi, Vol.

⁵⁰ [See Stephen's Commentaries, IV, pp. 238-243, ed. 1848. See Book II, Part I, Ch. xiv, Vol. I, also below, II, vi, 12, note 5.]

and abjured as well by the whole clergy in convocation as the people in parliament (and all this brought about in fewer weeks than it had cost years to obtain, and whilst popery continued the established religion, and did depend so far on the authority of the bishops of Rome that it was easy to foresee that this change would open the way to the reformation which the body of the clergy so much dreaded); that, if any judgment can be made of the faith of a Christian church and nation by the canons, the laws, and practices thereof, the supremacy of the bishops of Rome was never received as a part of the religion of England, no more than it is at this time in France, but on the contrary was ever esteemed an usurpation on the rights of the monarchy and the church. Besides, it is very evident that the attempt of king John to render the kingdom a fief of the papacy, though attended with the forms and appearances of law, was ever thought a void and illegal act⁵¹, and served only to reproach the memory of that prince and the wickedness of that court which compelled him to it, and to let posterity see how impossible it is to guard the civil, whenever the ecclesiastical supremacy shall be ravished from the crown; and yet it is certain the grants of the ecclesiastical supremacy were no less mischievous and no better grounded than that charter which pretended to give away the crown. And if this be a true state of our case, the charge of schism against the reformed church of England must of necessity vanish with the imposture which supports it, and there can be no more ground to question the wisdom and justice of our Reformation, than to doubt whether a nation may resume the rights which were illegally given away, or a Christian church act up to the commission of Christ and contend earnestly for the faith which he delivered to the saints⁵².

These few reflections on the claims of the bishops of Rome, on their true and pretended antiquity, the grounds and the consequences thereof, the sense of the Christian church on this subject, that of England in particular, will, I hope, give the reader a just view of the nature and importance of those disputes occasioned thereby, and, by leaving it out of doubt

⁵¹ [See below, II, xxii, 4, note 3.]

⁵² [Jude 3.]

that it was guarding the supremacy of the crown and preserving the ancient freedom and independence of the English church on the one side, and on the other usurping on the rights of both, which were the great subject of the aforesaid controversies, will sufficiently answer for the room which has been allowed them in the following history.

But, to make the reader some recompense for the length of these disputes, I have purposely omitted the relation of things which pass for miracles, and not suffered myself to break in upon the provinces of those learned men who relate the particular stories of our bishops or account for the works of the English writers, and chiefly confined myself to those things which more immediately concern the doctrine or the government of the church and the just rights of the monarchy and nation. If I have taken the liberty to ruffle the patience of the hasty reader, whose thoughts are still pressing forward to behold the event of things, and sometimes interrupted the thread of our story with some reflections of my own, I have the example of the best writers: besides, things of this kind do usually entertain and instruct the more judicious, and best answer the noblest ends of history. But, as my present subject is full and copious, and less needs a borrowed light from the thoughts and reflections of an historian than that broken and imperfect story which formerly employed my pen, my digressions are fewer and shorter, and such as I hope may give no offence to their nicer palates, who choose rather to be pleased and entertained than to be made better or wiser by history.

If I have not carried this work so low as might be expected, and this be not sufficiently accounted for by what has been already said on the subject thereof, I hope I may be allowed to say that I have performed what I promised to the public in my last, and given a just view of the state of the church from the first rise of the papal power till that usurpation was carried to its utmost height of grandeur and elevation, and of the changes occasioned thereby both in church and state⁵³. When the hard fate of our holy mother, which stands charged by one party with approaching too near to that of Rome,

⁵³ [See Preface to Part I, the last paragraph but one.]

whilst that church, which one would think was the best judge of compliances of this kind, charges us with heresy and schism for standing at too great a distance from her, first obliged me to lay out all the time I was master of, the better to enable me to make a true judgment of the controversies which so unhappily divide the state of Christendom; and the bright pattern of that most worthy and learned prelate who wrote the History of the British Church⁵⁴ had brought me to a resolution to endeavour to do right to our holy mother by setting her history in a true light; I flattered myself with the hopes of continuing our history from the time where the learned bishop of Worcester concludes his till the resumption thereof by another very learned and most worthy prelate in his History of the Reformation⁵⁵, and designed in three short and distinct volumes to set out the three great periods and different states of the English church; the first, that before the Conquest, whilst its primitive freedom and independence on that of Rome were duly preserved; the second, the state of the church from the Norman revolution, whilst things were in a ferment and the usurpations of the bishops of Rome still making new steps, till their sovereign power rose to its full growth in the reign of king John; the third, to give a just view of our affairs during the vassalage and subjection of the English church to that of Rome, till the Reformation so happily rescued the church and kingdom from the mischiefs of that usurpation.

The first part of this design has been published some years since: the second is what now I offer to the public: but time and age have in some measure cooled the sanguine thoughts I once had of the third; and the views I have taken, and the steps I have made towards it, drive one backward, and rather throw one into despair than bring me to any resolution to proceed. For, to say nothing of the expense of time, the charge and difficulties which attend the very access to records

⁵⁴ ["*Origines Britannicæ*, or, the Antiquities of the British Churches, by Edward Stillingfleet, D. D., dean of St. Paul's", afterwards bishop of Worcester, first published in 1685.]

⁵⁵ ["*The History of the Reformation of the Church of England*" by

the celebrated Gilbert Burnet, bishop of Salisbury, was originally published in three folio volumes, the first in 1679, the second in 1681, the third, "being a supplement to the two" former, not till 1715.]

and manuscripts from whence the most considerable notices are to be expected, it is no little mortification to hunt from one record to another to find little else but new scenes of tyranny and oppression ; to dwell upon a story filled with the remonstrances of our kings and their great councils, broken and eluded laws, the unregarded complaints and petitions of the clergy, the unpitied cries of a nation, and, in every line one writes, to feel new pain and bleed afresh in the wounds of our country : in short, a history which one can hardly read with patience, or relate with the calmness and temper that become a Christian, is at best a very discouraging undertaking.

Yet one who considers the artifices and address with which our enemies are every day attempting to bring these nations back again to the yoke under which our ancestors so long groaned ; how totally some men have forgot the miseries of those days, and even the late prospect we had of falling under them again ; how fondly some men talk of an union with that church which can allow no terms of communion but such as must let in a foreign power and bring servitude along with them ; how unhappily some mistake the decency and order of our holy mother, and will not believe that she is far enough from popery, because she does not sacrifice all regard to the best ages of the church, and run into novelty to show her aversion to that of Rome ; will easily be persuaded that the advantages would on many accounts overbalance the difficulties which attend a work of this kind. Had we as plain a view of the use which the court of Rome made of their power as, I hope, the following history will give of the unworthy arts by which they gained it ; could we see how the wealth of the nation was exhausted to enrich her enemies, all the measures of law and justice, and even the religion of Christ, forced to give way to avarice and ambition, the sacred patrimony of the English church made the reward of those who first enslaved it ; and at once behold the difference betwixt the purity, the decency, the order, and the gentleness of our holy mother, and the corruptions, the foppery, the superstition, and tyranny of Rome ; a work of this nature would give us a lively view of the blessings of the Reformation, and raise up so just a veneration for that church which

has hitherto through the blessing of God continued its greatest ornament and support, as might possibly cure the mistakes which so unhappily divide us, or at least teach us all such forbearance of one another in love, that our divisions and animosities may never provoke God to take his blessings from us.

As for the errors of the press, I hope they will appear so few, and those so easily to be observed and corrected, that, instead of an apology for them, I think myself obliged to make a public acknowledgment of the care and prudence of that great and learned body of men who have done me the honour to present this work to the world for the choice of so exact and judicious a corrector of their press ⁵⁶.

If I have omitted any thing material, mistaken any matter of fact, or not set it in a just light or due order of time, I shall rather put myself on the candour of the reader, than lay any part of the blame on the commands of my superiors or the importunity of my friends; and only say, that I am not conscious to myself of any bias or partiality; that I have wrote honestly and according to the best of my judgment, and without any other views but such as I ever glory to own, a sincere desire to promote the honour of God and the good of his church, that of our holy mother, the church of England as by law established, in particular.

⁵⁶ [The second part of this work, as has been stated before, was first printed at the Sheldonian Theatre, and published by the Delegates of the Press, in 1710. The corrector here praised by the author was William Denison, at that time a fellow of University College under Dr. Charlett and Senior Proctor in the year 1710, afterwards (1745-1755) principal of Magdalen Hall. See a letter from Dr. Inett to Dr. Charlett, written October 22, 1709, among Ballard's MSS. in the Bodleian Library, vol. XV, no. 27. No. 28 in the same volume, which likewise is a letter from Dr. Inett to Dr. Charlett, written February 21, 1710, has the following endorsement, "Mr. Thistlewait Corrector of ye Oxf'd. press", a "Mr. Thistlewhait" being

mentioned in the letter as connected with the Press: but the endorsement is in the handwriting, not of Dr. Charlett himself, but of his nephew Thomas Rawlins, a country gentleman of Pophills in Warwickshire, who became administrator of his uncle's effects on his dying intestate in 1722; and the editor has been informed by the reverend Philip Bliss, D. C. L., principal of St. Mary Hall, on the authority of Hearne's Diary 1708, vol. 18, pp. 88, 89, that Giles Thistlewaite (or more correctly Thistlethwayte) was at that time Superintendent of printing at the University Press in virtue of his office as Superior Bedel of Law. Thistlethwayte was a fellow of New College and B. C. L. when elected Bedel.]

The following is a list of the names of the persons who have been named in the preceding chapters, and who are now named in this chapter. The names are given in the order in which they are mentioned in the text.

As the list of names is long, I have divided it into two parts. The first part contains the names of the persons who are named in the first chapter, and the second part contains the names of the persons who are named in the second chapter.

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A
HISTORY
OF THE
ENGLISH CHURCH.

PART II.

FROM THE NORMAN CONQUEST TILL THE DEATH OF KING
JOHN.

CHAPTER I.

AB ANNO 1066 AD ANNUM 1071.

1. Contest between the English and Danish line. English line restored.
2. Edward the Confessor dies. Several pretenders to the crown. Harold possesseth himself of the crown.
3. Harold king of Norway invades England; is overcome and slain. William duke of Normandy lands in England.
4. King Harold slain. William duke of Normandy refuses to be crowned by the archbishop of Canterbury; is crowned by the archbishop of York.
5. The different reasons thereof assigned by our historians: the true reason thereof. The king designs great changes in the church and state: carries the archbishop of Canterbury into Normandy. Jealousies betwixt him and his people.
6. The king begins to execute the designs he had to bring Normans into the church; makes Remigius, a Norman, bishop of Dorchester; sends Lanfranc to Rome to concert the deposition of the archbishop of Canterbury and the other changes he had projected.
7. His affairs oblige him to delay the intended changes. He seizes the wealth of the religious: the occasion thereof.
8. The king covers his violence by calling the legates of pope Alexander to his aid. He permits them to convene the council of Winchester: the ill effects thereof.

9. Council held at Winchester. Stigand archbishop of Canterbury deposed: the pretended reasons thereof.

10. The true reason of his deposition. Several other bishops and abbots deposed.

11. Lanfranc made archbishop of Canterbury. Thomas made archbishop of York. The church filled with Normans. The like changes among the religious.

12. English generally displaced and oppressed. Changes such as had been concerted at Rome, where the deposition of Stigand had been resolved.

13. Lanfranc, his character, birth, and story: a great asserter of the corporal presence: his friendship with the court of Rome: the grounds thereof: is consecrated by the bishops of the province, and acts as metropolitan before he receives his pall.

14. Sends to Rome for a pall: is denied: the true reason thereof: his presence at Rome desired.

15. Owned by the whole English church as metropolitan before he received the pall. The necessity thereof advanced by the court of Rome: the grounds thereof. Difference betwixt the two archbishops: the occasion and issue thereof.

Harold.
1066.

1. **THE** methods of providence are so unsearchable, that, whilst the revolutions of states and kingdoms surprise and astonish us, the springs by which they are moved do very often lie secret and in the dark: and yet, that men should not mistake and challenge that to themselves which his counsels form and his power only can accomplish, God has thought fit to let us know that it is he "who rules in the kingdoms of men, and gives them to whom he will"¹. And indeed there are some revolutions of states and kingdoms which carry such marks of an allwise and almighty power, that, if men were not fondly partial to themselves, they could not mistake the hand which guides them. And such was the change and turn of affairs in England occasioned about this time by the death of Edward surnamed the Confessor.

After a long war betwixt the English and the Danes, Ethelred, father to Edward the Confessor, was forced to leave England; and though he was restored again, and the crown was for some few years enjoyed by himself, and upon his death by Edmund Ironside his eldest son, yet on the death of that prince in the year 1017² Canutus king of Denmark was received as king of England, and Emma queen to

¹ [Dan. IV, 17, 25, 32; V, 21.] ² [See before, I, xxi, 12, note 1.]

king Ethelred, and Edward and Ælfred his sons, together with Edward and Edmund sons to their elder brother Edmund Ironside, were forced into a long exile³. In the mean while the Danish line, begun in Canutus, continued, without any considerable interruption, in possession of the crown of England from the death of Edmund Ironside in the year 1017 till the death of Hardi Canute in the year 1041⁴. Harold.
1066.

But when the hopes of the English and the fears of the Danes were thought to have been at an end, the great Disposer of all things on a sudden changed the scene, and the royal line of England was in a surprising and unexpected manner restored, and an end was put to the Danish race of kings; and with the Danish government determined the interest of that people in England, an interest which had cost a great deal of time and blood to plant and cultivate. And, which is more, this great turn of affairs was conducted so silently, that our historians, who all agree in the thing, have not left us light enough to make a certain judgment how it came to pass that an interest so ancient and so well established was so soon and so quietly broken, and of a sudden disappeared. Next to the pleasure and good providence of God, it seems to be chiefly owing to the bent and affections of the English nation: for though the government had been entirely Danish for some time, yet, the body of the nation being English, the weight of the people might turn the scale, so soon as the external force was removed which had for a while put a restraint upon their affections. But, whatever occasioned this turn in favour of the English line in the person of Edward the Confessor, it is certain the revolution was sudden and surprising.

2. As this great change attended the accession of king Edward to the crown of England, so his death was followed by another turn of affairs, better known, but no less surprising, the Norman revolution. King Edward dying in the beginning of this year, and leaving no issue behind him, the consequence was such as might be expected: for according to the different interests and inclinations of men several pretensions to the crown were set on foot.

³ [Emma's exile was not a long one. She was married to Cnut in July 1017. See before, I, xxi, 13, note 5.]

⁴ [Harthacnut died June 8, 1042. Sax. Chron.]

Harold. Edgar Ætheling was the undoubted heir, as being the
 1066. grandson of Edmund Ironside elder brother to Edward the
 Confessor, and son to Edward the Outlaw ; but having been
 born abroad during the exile of his father, and his party kept
 under by the greater factions which reigned in the court
 during the government of Edward the Confessor, his interest
 went no further than the good wishes of those who, free
 from the bias of faction, did, upon the principle of love and
 justice to their country, fix their hearts upon the royal
 English line. But if any measures were formed to favour his
 pretensions, they were so ill supported, that his interest was
 never considerable enough to carry any weight with it, and
 did not so much as awaken the jealousy of his rivals ; but
 on the contrary he was advanced to the honour of an earl by
 king Harold, and lived quietly under his successor William
 the First.

The next pretender to the crown was Harold, son to Godwin
 earl of Kent, and brother to Edgitha wife to Edward the
 Confessor. If the authority of the Danish historians may be
 relied upon, Harold had been the great instrument in ruining
 the Danish and in restoring the English line in the person
 of Edward the Confessor¹ ; and during his reign he had been
 at the head of that party which had opposed the Norman
 faction ; and for some time before the death of that prince
 had had the command of the armies, and in several expedi-
 tions against the Welsh had gained so much honour, that
 when king Edward was on his death-bed, some of our histo-
 rians tell us, he declared Harold his successor : but, whether
 so or not, he took the quickest way to put an end to the
 dispute, and the day after king Edward died he made himself
 be proclaimed king of England. And not long after he was
 crowned at Westminster by Aldred archbishop of York : and
 the proofs which he gave of his courage and conduct, in
 the short time in which he reigned, have led posterity into
 a belief that he wanted nothing but a title to have fitted him
 for the crown.

3. Edgar Ætheling seeing no other remedy sat down
 quietly : yet the case of the other pretenders was very

¹ Meurs. Hist. Dan. III, p. 57 Lam. See before, I, xxii, 6, notes
 [ed. 1638 ; Meurs. Op. IX, 198 ed. 1, 2.]

different ; for Harold king of Norway, as a descendant from the Danish line, came with a fleet and army to assert his claim, and landed in the north, where after some resistance he took and plundered the city of York. Some of the discontented English engaged in the interest of that prince, and among them Tostig, brother to the usurper. Harold having notice of this invasion marched presently towards the north, and in one battle put an end to the life and the pretences of the king of Norway.

Harold.
1066.

Yet he had but a little time to enjoy his victory ; for, whilst he was big with his success in the north, he received the unwelcome news of a more formidable enemy landed in the south, and this was William duke of Normandy. This prince was natural son of Robert duke of Normandy, which Robert was son of that Richard duke of Normandy who was father to Emma the mother of Edward the Confessor¹. And as Edward had lived for near thirty years in Normandy, in the courts of those two princes, his grandfather and his uncle², so he returned to England with such inclinations as might be expected ; for by a long abode in that country he had acquired so great a favour to the Normans, that their writers say with all assurance, that that prince had promised the succession to the crown of England to William the present duke of Normandy, and this too with the consent of the English³, and that by his last will he confirmed his promise and appointed him his heir. Thus much is certain, that through the whole course of his reign king Edward exceedingly favoured the Normans, and when his safety was consistent with his inclinations he seldom failed to give them the

¹ [Robert, the father of William the Conqueror, was son to Richard II ; Emma was daughter to Richard I, the father of Richard II, dukes of Normandy.]

² [Edward lived in Normandy under the protection of his uncle, Richard II, and of his cousins, Richard III, Robert I, and William II the Conqueror. His grandfather Richard I died in 996, several years before he himself was born. See before, I, xxi, 1, note 2.]

³ [Ord. Vital. III, int. Hist. Norm. Scriptor. ed. Du Chesne

p. 492 A, [vol. II, pp. 116, 117, ed. Le Prevost. See also Guil. Pict. int. Hist. Norm. Scriptor. pp. 181, 191. But certainly neither of these writers, and probably no other authority, speaks of Edward having "confirmed his promise" of the crown of England to William "by his last will" ; whereas each of them admits that in his last illness he did appoint Harold to be his successor. Ord. Vital. p. 492 B, Du Chesne, p. 118 Le Prevost ; Guil. Pict. pp. 200 B, 204 B.]

Harold. highest marks of his favour and esteem. But the affections
1066. of that prince lay so cross to the inclinations of his people, that Harold became very popular by opposing the Norman interest; and the king was so perplexed betwixt his safety on the one hand and his affections on the other, that it is very probable he never attempted any public disposal of the crown of England, but, as his affections or his fears led him, did at different times give private hopes to both parties; and that this was the true and all the ground of that confidence with which the opposite parties did equally pretend to have a right to the succession by the will of that prince, whilst neither of them was able to produce the will to which they both pretended.

4. However this matter be, William duke of Normandy, having raised an army and provided a fleet for the transporting of it, arrived at Hastings in Sussex, whilst Harold and his army were employed in the north. The news of these unwelcome guests coming to Harold whilst the taste of his victory over the Danes and Norwegians was yet fresh upon his palate and his blood heated with his past success, without giving his thoughts time to cool he immediately hasted away to the south, where with the forces which he had brought back with him, and such reinforcements as could of a sudden be drawn together, he put his life and his kingdom upon the hazard of a battle, which determined the pretensions to the crown in favour of the duke of Normandy.

William I. The death of Harold, together with the great numbers of the nobility and gentry which perished with him, struck so general a terror through the whole nation, that without giving their fears time to wear off they presently entered into measures with the Conqueror: and his persisting in his claim from the will of king Edward without forcing the nation into desperate counsels by a pretence of conquest, together with the received opinion of the wisdom, courage, and clemency of the duke, so far prevailed that, partly by force and partly by his address and ill performed promises, he brought the English so generally to submit and sit down quiet under his government, that the efforts made to disturb it were all unsuccessful, and much fewer than could well have been expected under a reign which had so much force in it,

and which bore so hard upon the honour of the whole English nation. William I. 1066.

However it came to pass, so it was that every difficulty fell before the duke of Normandy; and so hasty were the steps of his good fortune, that although he landed in England but in October, yet he was received and crowned as king on Christmas-day, and generally received the homage of the bishops and nobility of England. The office of coronation was performed by Aldred archbishop of York, and not by Stigand who was at this time archbishop of Canterbury; the reasons whereof our historians relate so differently, that it is not easy to make a true judgment of this affair. Stigand stood upon ill terms with Alexander the Second at this time bishop of Rome, as he had done with two of his predecessors; and this has given occasion to some of our historians to say that the king, whose interest it was to carry fair with the court of Rome, did upon that ground refuse to be crowned by him¹. But others furnish us with reasons of a very different nature, and say that Stigand looked upon the duke as a man who had stained his hands in blood, and for that reason refused to put the crown upon his head².

5. It is not easy to satisfy oneself with either of these opinions: for, if it had served the interest of the king to have received his crown from the hands of Stigand, that prince could not have wanted reasons enough to answer it at Rome; and there is as little ground to think that the conscience of Stigand stood in his way. But it is very evident, that although Stigand did at this time submit to the change he could not resist, yet he had ever run in with that party which had opposed the Norman interest; and that he was at the head of that faction which drove out Robert archbishop of Canterbury and the bishops of London and Dorchester and the rest of the Norman favourites from the court of king Edward; and that it was his opposition to that party which advanced him to the see of Canterbury¹. And, if there be any truth in what is said of Stigand's assembling the Kentish men and forcing the king to grant them their ancient privileges, there will be great reason to think that the heart

¹ Hist. Ingulph., coll. Gale p. 69. tor. ed. Twysden 962.

² Chron. Brompton int. X Scrip- ¹ [See before, I, xxii, 11.]

William I. and affections of that prelate were still the same, though he
 1066. seemingly yielded to the good fortune of the king. Besides, one of the reasons given by the king for invading England was, to revenge the injury done to Robert archbishop of Canterbury; and this, added to what is said of Stigand, will afford us ground enough to believe, that the king did not think that trust safe in his hands, and had resolved upon his deposition from the beginning, and that these were the grounds why he refused to receive the crown from his hands, and that what is said of that prelate's lying under the displeasure of the holy see was but a cover to the true reason of that prince's conduct.

The king did in all probability design great alterations in the church and state, yet for the present every thing went on as smoothly as if nothing had been further from his thoughts. And thus things passed till the end of the year; and so general
 1067. a calm attended the beginning of his reign, that in the spring the king went over into Normandy. Yet whilst by this voyage he seemed to give the English the marks of the highest and most entire confidence, and thus artfully covered his fears, he omitted no precaution necessary to his security. Therefore at his return to Normandy he carried over with him Edgar Ætheling the true heir to the crown, Stigand archbishop of Canterbury, and the two powerful and popular earls Edwin and Morchar²: and though he did what he could to cover his true meaning under the pretence of his favour and particular respect for their persons, yet in truth they were neither better nor worse than hostages for the loyalty and good behaviour of their country; and this was so evident, that all the address of that artful prince was not enough to conceal the true reasons of his conduct.

But as the jealousies betwixt the king and his people were mutual, so they seem to have been rightly grounded on both sides. For, notwithstanding their promises of obedience, the many efforts made by the English to recover their liberty put it beyond a doubt that they were very uneasy under

² [Archbishop Stigand and the earls Edwin and Morcar, together with the rest of the witan, are said to have chosen Edgar king immediately after the battle of Hastings, but soon, from various motives, to have abandoned him. Guil. Pict. p. 205; Ord. Vital. III, pp. 502, 503.]

their present circumstances, and wanted nothing but an opportunity to shake off the yoke. On the other hand, the promises of the king at his coronation to protect the church and his people, and govern justly, did not alter his design to bring the Norman laws into the state, nor hinder his entering into measures to introduce his followers into the best stations in the church.

6. The first proof he gave of his intentions to put the pre-ferments of the church into such hands as he might confide in was the advancement of Remigius, a monk of Feschamp in Normandy, to the see of Dorchester, the bishopric whereof did at this time contain all the midland parts of England. This prelate was consecrated by Stigand archbishop of Canterbury, and by a formal profession of canonical obedience owned him as his rightful metropolitan. And this I take to have fallen in the compass of this year, and not in the year 1070, as our historians generally place the advancement of that prelate¹; for it is plain that the design of the king to depose Stigand was before that time made public, and that prelate was actually deposed the beginning of that year. So that it seems no way unlikely that the king's permitting the bishop elect to receive his consecration from, and make his profession of canonical obedience to, him, together with the great respect with which he ever treated him till the time came to pull off the mask, were intended as arts to lay him asleep till he had a fit opportunity to show his resolution; and the severity with which he afterwards treated Stigand gives but too much ground to suspect the insincerity of the king in the esteem he had before pretended to have for that prelate.

But, whatever the true intentions of that prince were, during his stay in Normandy he made choice of Lanfranc, at

¹ [According to Simeon of Durham, *Gest. Reg. Angl.* int. X Scriptor. ed. Twysden 197, Wlfwi, who preceded Remigius in the see of Dorchester, died in 1067: and if the allegation concerning Remigius contained in Eadmer. *Hist. Nov.* I, p. 7, and in other writers, is worthy of credit, it is not likely that his promotion was delayed. On the other hand it appears from Remigius'

profession of obedience to Lanfranc (cited before, I, xxii, 16, note 3) that he was consecrated but a very short time before Stigand was deposed.

Probably Remigius was that monk of Fécamp, who carried William's reply to Harold's message before the battle of Hastings. See *Guil. Pict.* p. 200 B, compared with *Malmesb. Pontif.* I, fol. 121 (falsely marked 117) b, 4, 5.]

William I. this time abbot of St. Stephen's in Rouen² and privy counsel-
 1067. lor to the king, to send to Rome to concert measures with
 pope Alexander for reforming the English church³. That
 was the secret with which Lanfranc was intrusted, and for
 the conduct whereof he was afterwards rewarded with the
 archbishopric of which Stigand was deprived. Yet, that this
 affair might still go on in the dark, the true reason of that
 embassy was covered under the pretence of transacting with
 the court of Rome the translation of John bishop of Avranches
 to the archbishopric of Rouen, and procuring a pall for him⁴.
 But, amongst other things which passed there, it was agreed
 that pope Alexander should send his legates over into Eng-
 land, and this upon the desire of the king⁵.

7. This matter was agreed upon in the latter end of the
 year 1067, or in the beginning of the year following; yet we
 1068. hear no more thereof till the year 1070. But this delay
 seems not to have proceeded from any change in the resolu-
 tions of the king, but from the difficulty of his affairs: for,
 notwithstanding the calm with which he begun his reign, the
 English, assisted by the Danes and Scots, made so many and
 such bold efforts for the recovery of their liberty, that on the
 best judgment which could be made of his interest that prince
 was more likely to perish under his crown than to support it.
 However, such was his conduct and capacity, that he not
 only surmounted all the difficulties which embarrassed the
 three first years of his reign, but made all his misfortunes
 turn to account: for the attempts against his government
 not only set him at liberty from his promises to the English,
 and to which he could not have been just without the breach
 of those he had before made to his Norman followers, but
 also gave him a very colourable pretence to ruin the English
 nobility and reward his creatures with their estates, to put

² [For "Rouen" here we should read "Caen". See below, § 13.]

³ Vit. Lanfr. p. 6, Lanfr. Op. ed. D'Achéry. Du Pin, Eccles. Hist. Cent. XI, ch. iii, p. 12. [Inett here follows Du Pin: but the statement that William sent Lanfranc to Rome to concert measures with the pope for reforming the English church is not warranted by Lanfranc's bio-

grapher (Milo Crispinus, a monk of Bec, where he had been a pupil of Lanfranc himself), nor by Ordericus Vitalis or any other authority of the time. Inett himself gives it as a probable inference, not as a certain fact, below in § 12.]

⁴ Vit. Lanfr. cap. v, p. 7.

⁵ Ibid. cap. vi.

the Normans into all the places of trust and profit, and in short to model the church and state according to his own interest and inclinations. William I. 1068.

To say nothing of the affairs of the state, the changes in the church were such as might be expected in a revolution wherein the safety of the new government was the first thing considered. For, under the colour of seizing the estates of those who had been in rebellion against him, the king at once despoiled all the monasteries and collegiate churches: for these, as being more defensible, and thought secure from violence by the received opinion of the sanctity of those places, were the chief repositories of the wealth of the nation during the war and the confusions of the preceding years. But the reasons which governed the English in this affair were so little considered by the Normans, that, if they had any effect, it was the wrong way; for by this means the wealth of the English, by being brought into less compass, was become an easier prey. And this hastened on their poverty and oppression; for under the aforesaid pretence the king seized and carried to his treasury¹ the plate and jewels of the religious and secular canons. And, as is usual in such cases, the greediness of those who had the execution of his orders carried the mischief to the last extremity: for, under the name of the forfeited lands of the nobility, some of those belonging to the religious were forced from them; and, deeds not being then in use amongst the English, it was not an easy matter to make out their title; especially when it is considered, that their enemies were their judges, and that the wrong which they received was chiefly owing to those who ought to have done them right. And, to fill up the measure of their sorrow, such of the Normans as had no rewards in lands or effects were quartered upon the monasteries; which made the religious very uneasy in the enjoyment of what was left them, by having a sort of guard or spies

¹ ["Monasteria totius Angliæ perscrutari, et pecuniam, quam ditiores Angli propter illius austeritatem et depopulationem in eis deposuerant, auferri et in ærarium suum jussit deferri."] Florent. Wigorn.

an. 1070. [Florence does not say that the king seized the treasures of the religious houses themselves, but it is not likely that his officers took much pains to discriminate.]

William I. upon those societies. These were oppressions too open and
1069. barefaced to be capable of excuse.

8. However, the king used all possible artifice and address to cover the hardships which he put upon the clergy. For that end, having agreed with pope Alexander to send over his legates to assist him, as was pretended, in settling and reforming the English church, under a show of a mighty veneration for the holy chair, and a particular respect and deference to the legates thereof, he served all the purposes of his own designs and interest. These legates were sent in pursuance of what had been agreed upon at Rome by Lanfranc, and stayed with him, as Ordericus saith, a whole year¹; which year, at least a considerable part of it, was before the council of Winchester. This long delay of the legates seems to have been occasioned by the king's affairs, which were then so embroiled, that he was forced to turn his thoughts another way. But before the end of the year 1069 he forced the Scots to retire, and came to an agreement with the Danes to leave England; and, having thus deprived the English of all hopes of assistance, he imprisoned some of the nobility, and forced the rest to submit to him, or to leave their country to seek their safety in exile, and built castles in several parts of the kingdom to prevent the dangers of any sudden insurrections. In short, he had made himself master of the lives and fortunes of his people; and, the affairs of the state being thus settled to his mind, he about this time turned his thoughts to those of the church.

The English clergy had a great interest in their country, and the king could not but foresee that their sufferings would strengthen and increase it, at least render them still dearer to the people. And the dangers of beginning his government with the ill treatment of such a body of men lay open to his view; and yet, how dangerous soever this undertaking might appear, it was not easy to see how he could be safe without it: therefore he, who well knew the just boundaries of the royal power, and who through all the rest of his reign kept the court of Rome at a distance, determined for the present to take sanctuary for his oppression, and to cover

¹ Ord. Vital. IV, p. 516 A, Du Chesne; [vol. II, p. 199, Le Prevost.]

himself under the pretence of a seeming deference and submission to the pretended holy chair. In order thereunto he permitted the legates to do, what had never been attempted from the first settlement of Christianity in the British isle, and what his successors had great reason to lament; and this was, to summon the clergy of England to a council to be held this year in Winchester, the king having fixed upon that place for the keeping of his Easter². According to the ancient custom of England he was there attended by his great council, and, as was customary at those meetings, had his crown put upon his head by one of the legates; which has given occasion to some writers, who overlook no opportunity to flatter the papacy, to say that the legates were sent for from Rome to crown the king of England; and they would have the world believe that some secret lay hid in this affair. So wild, extravagant, and incurable is the bigotry of some men, that although this usage lay in common to all the nations derived from the north, and in particular the instances of their kings having their crowns put solemnly upon their heads by their bishops at the three great festivals of the year are so common in the histories of the Franks that one would wonder how it was possible to overlook them, yet the afore-said writers make a mystery, and lay great stress on an usage which gave no manner of colour for it. However that be, the feast of Easter being over, before this great assembly broke up, on the octaves of Easter a council was held, wherein the king presided, and was assisted by the two cardinals Peter and John, and Hermenfred bishop of Sedunum, now Sion³, the papal legates.

9. The transactions of this council were such as the king had before resolved upon, and such as the English clergy had too much reason to expect: for no doubt could be made that the king was resolved to put the chief trusts in the church into the hands of such of his Norman friends as he could confide in, and in order thereunto to dispossess the English who stood in their way. Aldred archbishop of York died before the meeting of this council, and by his death prevented the hardships which might otherwise possibly have fallen upon him: but Stigand archbishop of Canterbury had

² [See below, viii, 9.]

³ [In the Valais.]

William I. the honour to be the first of the clergy who suffered for the
 1070. sake of his country. The crimes laid to his charge were, his holding the bishoprics of Winchester and Canterbury together, his assuming the chair of Canterbury whilst his predecessor Robert was yet alive, his making use of the pall of Robert his predecessor, and taking of another pall from Benedict an usurper of the papacy. For these reasons he is said to be deposed in this council; and after all the court the king had made to him he was immediately clapped up into prison, where he continued till death set him at liberty.

The greediness of this prelate made him many enemies, and the opposition which he had given to the bishops of Rome gave occasion to the monkish writers so to blacken his character, that his fall seems to have had but a very little share in the pity of succeeding ages. And yet those who make Dunstan and Oswald saints, who led the way to the irregular practice of holding two bishoprics together¹, and magnify Lanfranc, who came into the archbishopric whilst Stigand was yet alive, cannot easily think that the same practices, which passed uncensured in Dunstan and Lanfranc, were the true causes of Stigand's deposition. And the examples of Lanfranc and Anselm his immediate successors, who performed all the functions of the metropolitan before they sent to Rome for their palls, will hardly suffer one to think that there was any weight in the article of the pall; though there is ground enough to believe that pope Alexander could not but resent Stigand's favouring the interest of his adversary pope Benedict. And it is very evident that Stigand's intruding into the place of Robert was a reason little considered at this time.

10. Upon the whole matter, it seems most likely that the king's resolution to put that trust into the hands of a Norman¹ was the true reason of Stigand's deposition: and all the circumstances of their procedure seem to be answerable to the reasons which conducted this assembly, and were a novelty and usurpation on the rights of the catholic church.

¹ [See before, I, xx, 8.]

¹ (on § 10.) [Lanfranc was from Lombardy, a native of Pavia, and received his education in Italy; but

from residence and interests he may be considered as naturalized in Normandy. See below, § 13.]

And in truth this was the case of the assembly itself; it was uncanonical and irregular; for there was no canon in being which allowed the bishops of Rome to convene councils out of their own province. And after the assembly met, there is great reason to think that not so much as any one bishop of the province, or of the kingdom, was required to give his suffrage in this affair, and that the legates themselves were only tools to the king. For this prince did so absolutely govern all the assemblies in his reign, that Eadmer, who lived under him, saith that his pleasure gave measures to all affairs both of the church and state; and, though he suffered provincial councils to meet, and the archbishop of Canterbury to preside in them, yet he did not permit any thing to be decreed in those assemblies but what he himself had before approved and appointed²: and there seems as little reason to doubt but that it was his pleasure which conducted the fate of the deposed archbishop.

But, whatever may be said in the instance of Stigand, it is on all hands agreed that this was the case of all the other bishops and abbots deposed in this council of Winchester, and in that at Windsor not long after. For this is so evident, that Ingulphus, Eadmer, Florentius, and Hoveden, and from him Baronius³, do all say that these depositions were contrary to all laws, both divine and human. And yet such was the case of Agilmare bishop of Norwich⁴ and brother to Stigand, and of Agilric bishop of Chichester; the one deposed in the council at Winchester at Easter, the other at Windsor the Whitsuntide following. And this was the case of many abbots deposed in those councils. And Wulstan bishop of Worcester was marked out for the same fate, though his integrity and innocence, and an opinion of his inability to hurt the new government, did for the present rescue him from it. And this had been the case of Agelwine bishop of

² Eadm. Hist. Nov. lib. I, p. 6.

³ Ingulph. p. 70; Eadm. lib. I, p. 6; Florent. Wigorn. an. 1070; Hoved. Annal. fol. 259 b. [Baron. Annal. an. 1070, xi. Eadmer, as cited in the last note, speaks of William's absolute power and of its exercise; but he does not specify these depositions.]

⁴ [It would be more correct to read "Elmham" here instead of "Norwich". See before, I, vii, 2, note 8. Bishop Herfast removed the see from Elmham to Thetford in 1075; and his successor Herebert Losinga transferred it to Norwich in 1094.]

William I. Durham, if he had not prevented it by throwing himself into
 1070. a voluntary exile. Such reason had Henry Knighton to say, it was the king procured the aforesaid depositions, and that it was his security and the Norman interest which led him to this proceeding⁵.

11. However it came to pass, matters were so ordered by this artful prince, that before this year was done there was not a man left in the church who was capable of hurting the present government; but on the contrary, partly by death, partly by the address of the king, and partly by the conduct of the Norman faction in king Edward's reign, all the great trusts in the church were by this time brought into the hands of men entirely in the Norman interest.

In this great turn of affairs the archbishopric of Canterbury was put into the hands of Lanfranc; that of York into the hands of Thomas a canon of Bayeux in Normandy; Walkelin was made bishop of Winchester, and Walkerine bishop of Durham; the sees of Norwich¹ and Chichester were filled by Herefast and Stigand², Lichfield was filled somewhat earlier by Peter³, Salisbury by Herman⁴, and Lincoln by Remigius⁵, all Normans. And those bishops who kept their stations were chiefly such as had been advanced by the Norman faction under the reign of king Edward; and these were foreigners, and for the most part Normans. Of this number was William bishop of London, a Norman; Leofrick⁶ bishop of Exeter, born in Burgundy or Lorraine; and Giso a Frenchman was bishop of Wells, but so hearty in the Norman interest, that he was for that reason banished by king Harold, and upon the same ground was restored again under the Norman revolution⁷. So that, except Wul-

⁵ Knighton int. X Scriptor. ed. Twysden 2345.

¹ [On the see of Norwich see § 10, note 4.]

² [This Stigand must not be confounded with the deposed archbishop: he had been one of William's chaplains.]

³ [Bishop Peter of Lichfield was consecrated by Lanfranc in his third year, that is, in the year ending 28 August 1073, according to the Gesta Lanfranci described below, iii, 6, note 3.]

⁴ [Hereman, who was from Flanders, had been bishop of part of the diocese of Salisbury from the year 1045. See before, I, xxii, 10, note 1.]

⁵ [See § 6 of this chapter, and below, iv, 4.]

⁶ [See before, I, xviii, 1, note 3; xxii, 10. According to the Gest. Lanfr just. cited, Osbern, Leofric's successor, was consecrated by Lanfranc in his second year.]

⁷ [Bishop Giso or Gyso was a native of Lower Lorraine or Bra-

stan and Siward, bishops of Worcester and Rochester, there was not one bishop in England before the end of this year who was not in the Norman interest. Such haste did the king make to settle the affairs of the church to his mind, that his security seems to have been the first thing, and justice one of the last, which he considered therein. The changes amongst the religious kept the same pace, and were conducted by the same considerations.

William I.
1070.

And by such partial measures was the judgment of that prince guided, that Ingulphus, who was his creature, and preferred by him to the abbey of Crowland, does not forbear to say, that no merit was thought sufficient to prefer an Englishman, or so much as to secure him in his former post, and that the most unworthy foreigner was preferred before him. Nor did he stop here, but his prejudice extended itself to every thing that was English, requiring that the laws and pleadings should be in French, that, instead of English, children should in all schools be taught French, that the English should be changed for the French character; and, which is more, the same writer saith, his prejudice extended to a hatred and aversion to the whole English nation⁸. And if his justice moved in a more regular manner, his favours were conducted by his affections, and all the places of honour and trust about his person or government conferred upon foreigners.

12. So that, whatever may have been said by some late writers of the moderation and gentleness of this prince's government, Ordericus a Norman writer does not omit to say, that the Normans exceedingly oppressed the English, and that they were so far from finding relief in those courts

bant. From his own account of his episcopate, embodied in an early history of the see of Bath and Wells which was published with other "Ecclesiastical Documents" by the reverend Joseph Hunter for the Camden Society in 1840, pp. 16-20, there seems to be no reason for supposing that he was banished by king Harold.]

⁸ ["Tantum tunc Anglicos (Normanni) abominati sunt, ut, quocunque merito pollerent, de dignitatibus repellerentur, et multo minus

habiles alienigenæ, de quacunque alia natione quæ sub cælo est exstissent, gratanter assumerentur. Ipsum etiam idioma tantum abhorrebant, quod leges terræ statutaque Anglicorum regum lingua Gallica tractarentur; et pueris etiam in scholis principia literarum grammatica Gallice, ac non Anglice, traderentur; modus etiam scribendi Anglicus omitteretur, et modus Gallicus in chartis et in libris omnibus admitteretur."] Ingulph. pp. 70, 71.

William I. which are the common sanctuaries of the oppressed, that the
 1070. rapes and murders and heavy oppressions complained of by
 the English were justified by those who ought to have redressed them¹.

And things have ever so much of the spirit of those who conduct them, that it is very natural to expect that the changes in the discipline of the church should bear some proportion to the changes which we meet with in the persons who had the care and oversight thereof; especially in such a revolution as changed the face of the kingdom, and set the government and civil constitution upon a new bottom. And indeed the alterations in the church were in some measure answerable to those in the state. But it will be best to leave the account thereof to the order of time, and return to observe the motions of those who conducted them, and the steps by which they moved.

It seems very probable, that the alterations which were brought to effect about this time had been designed from the beginning of king William's reign; and that this was the reformation of the English church which Lanfranc was sent to Rome to concert in the year 1067²; and that that prelate was in the secret, and had from that time been designed for the station to which he was afterwards advanced, and this with the good liking and approbation of pope Alexander. For it is very evident, that Alexander had so great a share in the advancement of that prelate, that Lanfranc ascribes it chiefly to him³; and Gregory his successor did upon this ground reproach Lanfranc for not acting up to the obligations which he had received from the court of Rome⁴. And when it is considered, that Stigand was deposed some time after Easter, and that Lanfranc came into England, and was consecrated bishop the 29th of August the same year, it will appear still more probable that the part which pope Alexander bore in the advancement of Lanfranc was before the deposition of Stigand, there being scarce time enough so much as to send to Rome and consult him betwixt that deposition and the consecration of Lanfranc. However this matter be, the king,

¹ Ord. Vital. IV, pp. 507 D, 508 A, ed. Du Chesne; [vol. II, pp. 171, 172, ed. Le Prevost.]

² [See before, § 6, note 3.]

³ Lanfr. Epist. 1.

⁴ Lanfr. Epist. 8.

having accomplished his design in deposing such of the English as he could not confide in, not long after declared his resolution to advance Lanfranc to the see of Canterbury; and accordingly he came into England, and was consecrated this year. William I.
1070.

13. Lanfranc was the son of a lawyer, born at Papia in Italy, and had been bred to the law; but leaving his country and profession he retired into Normandy, and in the city of Avranches became a professor of theology and the arts, and made a great figure amongst men of learning: but, tired with that employment, he took the habit, and became a monk in the monastery of Bec¹, and after some time was made prior thereof², and from thence advanced to be the first abbot of St. Stephen's in Caen, a monastery newly built by William then duke of Normandy³, now king of England. During his continuance in that post, he was made a privy counsellor to the duke, and had a great share in his trust and favours⁴: and, amongst other services he was put upon by that prince, he was sent to Rome upon several occasions; and partly by the interest which he had in his master, and partly by the services he did to the court of Rome (which about this time began to espouse the doctrine of the corporal presence) in disputing and writing against Berengarius archdeacon of Angers, he became a very acceptable man to pope Alexander, and entered into a particular friendship with Hildebrand, at this time archdeacon of Rome, and successor to pope Alexander the Second⁵. Besides these considerations, which were chiefly weighed in his advancement, he appears to have been a wise and learned man, and by his personal merits to have rendered himself very worthy of the trust which was put into his hands. Being advanced to this great station in the English

¹ [Vit. Lanfr. cap. i, p. 2. Lanfranc's father is described as being "de ordine illorum qui jura et leges civitatis asservabant". His own early education was mainly, if not entirely, secular; and it does not appear that he taught theology at Avranches or any where else before his retirement at Bec.]

² Ibid. cap. ii, p. 4.

³ [Ibid. cap. iv, p. 6. Lanfranc was made abbot of St. Stephen's

about Midsummer 1066. See Ord. Vital. III, p. 494 B, ed. Du Chesne, vol. II, p. 126, ed. Le Prevost.]

⁴ [William certainly consulted Lanfranc, and is even said to have employed him confidentially at Rome, before he made him abbot at Caen. See Ord. Vital. III, p. 481 C, ed. Du Chesne, vol. II, p. 82, ed. Le Prevost. Vit. Lanfr. cap. iii, p. 5.]

⁵ Lanfr. Epist. 5.

William I. church, he gave such proofs of his sufficiency, that, if his
 1070. thrusting out his predecessor can be excused by the will of the prince and the turn of affairs which the new revolution produced, and that irregular practice can be justified in his case which was one of the pretended reasons for deposing his predecessor, his character will stand fair and unblemished, and he must be concluded very fit for the trust which was committed to him.

Lanfranc, being thus advanced, came into England; and, without waiting for a confirmation of his election to the archbishopric from the bishop of Rome, or expecting bulls from the court to empower the bishops of the province to consecrate the bishop elect, as was usual in after-times, the bishops of the province, being summoned by the appointment of the king, immediately proceeded to the consecration of the new archbishop. He was consecrated in his cathedral church of Canterbury by eight of his provincial bishops on the twenty-ninth of August⁶. Being possessed of this trust he wrote to pope Alexander, to complain of the burden and difficulties into which he had plunged himself; and, whilst he pursued his duty with the zeal and vigour which became him, he faintly asked to be excused, and to be set at liberty, to retire to his monastery⁷. And, whatever has been said by the later canonists of the necessity of the pall to qualify one for the functions of a metropolitan, this prelate, without waiting for his pall, immediately applied himself to discharge that office. However, that he might not seem to neglect what the court of Rome thought a necessary part of duty, though he did not go himself, yet he sent a messenger to Rome to demand a pall.

14. It was but a few years before, that Lanfranc had discharged the same office himself, and procured a pall for John archbishop of Rouen without giving that prelate the trouble of a journey to Rome¹. And that court was then so far from thinking themselves slighted by this way of address, that during his stay there Lanfranc so ingratiated himself with pope Alexander, that that prelate obliged him to promise that

⁶ Sax. Chron. an. 1070. [Malmesb. Pontif. I, fol. 117, citing a document drawn up by Lanfranc himself.]

⁷ Lanfr. Epist. 1.

¹ Vit. Lanfr. cap. v, p. 7. [This seems to have been in the autumn of

he would return to Rome, and stay two or three months with William I. him in his palace, where he was to be entertained at the charge of the pope². An example so fresh, added to the interest which he had in pope Alexander, and (which is more) his friendship with Hildebrand archdeacon of Rome, by whose counsels Alexander was entirely governed, could not but give him great reason to hope for success: therefore he declined his going to Rome in person, and sent a legate to attend pope Alexander upon this occasion; but, the better to forward his business, he wrote to Hildebrand to desire his assistance and good offices. Pope Alexander led a reserved and retired life, and under his name the church of Rome was at this time governed by Hildebrand³, whose head and thoughts were full of those designs with which he not long after set all Europe into a flame. Therefore Hildebrand excused his not sending him a pall, and told Lanfranc that he thought it necessary that he should come to Rome, and that, not only to receive his pall, but to concert measures relating to other affairs⁴. And though he did not think fit by this epistle to let posterity know what those other affairs were, yet the vast designs of that prelate to set up a spiritual monarchy and force all Christendom to submit to it, which in a few years after became public, incline me to think, that the better carrying on of that design was the ground of the late resolutions taken at Rome to oblige the archbishops to come personally thither to demand their palls, and that this was the true reason of the denial which Lanfranc at this time received.

15. But, whatever was the ground of the present resolutions, it is certain that the necessity of the pall was afterwards carried to such a height, that it was received as a law of the Roman church, that an archbishop could not consecrate a bishop, nor convene a provincial council, till he had received his pall¹. These were doctrines of a later date, and therefore we are not to wonder if Lanfranc, though one of the greatest men of the age, and hearty in the interest of the Roman

1667. Ord. Vital. IV, p. 507 B, C, ed. Du Chesne; vol. II, p. 170, ed. Le Prevost. But Le Prevost in his note at page 313 of the same volume would put it later, perhaps in 1069.]

² Lanfr. Epist. 1.

³ Du Pin, Eccles. Hist. Cent. XI, p. 29.

⁴ Lanfr. Epist. 6.

¹ [On the pall, see before, I, xi, 2-5.]

William I. court, was not yet enlightened so far as to discern the im-
 1070. portance of an usage which had hitherto passed as a matter
 of ceremony. But keeping on in the course of the ancient
 church, without waiting for a confirmation or a pall from
 Rome, he presently applied himself to the exercise of his
 metropolitical power; and amongst other acts thereof, if
 Monsieur Labbe be not mistaken, he convened a council,
 wherein Wulstan bishop of Worcester was deposed², and
 wherein the new-made bishops were consecrated. And his
 conduct herein was so agreeable to the present sentiments of
 the English church, that, without expecting the return of the
 messenger from Rome, all the bishops of his province made
 the most solemn and canonical recognition of his authority,
 as their rightful metropolitan, in their professions of canon-
 ical obedience; for this was universally done, as well by those
 who had before been consecrated bishops, as by those who
 received their consecration from his hands³.

Amongst those who were consecrated by Lanfranc before
 he went to Rome was Thomas archbishop of York: and there
 is no reason to doubt but that this was the case of all the
 new bishops, though the ensuing story of that prelate has
 given our historians a more particular reason to remember
 his consecration; for it was the conduct of Lanfranc upon
 that occasion which gave the first rise to the controversy
 betwixt the archbishops of Canterbury and York. The day
 being appointed for the consecration of the new archbishop of
 York, Lanfranc required not only a profession, but an oath,
 of canonical obedience. Thomas refused both the profession
 and the oath; and upon this ground his consecration was for
 a time suspended: but, this matter being considered by the
 king and his great council, a temper was found out, wherein
 it was resolved that the oath should for the present be omit-
 ted, but that the new archbishop of York should in writing

² Concil. Labbe IX, 1203, [Mansi XX, 5; Concil. Britan. Spelman II, 4, Wilkins I, 367. This narrative concerning Wulstan is taken from Pol. Verg. Angl. Hist. IX, p. 158 ed. 1570; and if Labbe had taken the trouble to cite one sentence more, as Wilkins has done, he would have seen and shown that the council, in

which the attempt to depose Wulstan is said to have been made, is placed by Polydore Vergil in 1078. According to Malmesb. Reg. III, fol. 66 b, ed. Savile, § 303 ed. Hardy, it was held in 1072.]

³ Malmesb. Pontif. I, fol. 117 a, 40-43.

make his profession ; but that this should not be drawn into William I. example to the wrong of his successors, unless it could be 1070. made appear that this had been the ancient practice. This dispute being accommodated for the present, Thomas archbishop of York returned to Canterbury, and received his consecration from Lanfranc ⁴.

Though this affair was thus quieted for a while, yet it broke out again, and became a lasting subject of dispute. I must leave it for the present, but must not omit to observe that Lanfranc consecrated archbishop Thomas without inquiring after a bull from Rome to enable him, and before he set a foot forward towards demanding a pall from thence for himself.

CHAPTER II.

AB ANNO 1071 AD ANNUM 1079.

1. The two archbishops and the bishop of Lincoln go to Rome. Thomas archbishop of York and Remigius bishop of Lincoln said to be deposed : the pretended reasons of that affair.

2. Bishop of Lincoln said to be guilty of simony : that charge groundless.

3. Investitures declared the sole right of the papacy. Lay investiture declared simony : anciently given by the kings of England. Lay investiture the simony of the bishop of Lincoln.

4. The designs of the court of Rome the grounds of the aforesaid depositions. Lanfranc's compliance therewith : changes his opinion of that court, and leaves the interest thereof.

5. King and bishops of England project the driving the religious out of cathedral churches and bringing seculars in their room. Pope Alexander and Lanfranc apply themselves to break that design.

6. Pope Alexander complains to the king of the irregular deposition of the bishop of Chichester ; but in vain. Thomas archbishop of York complains to pope Alexander against Lanfranc : he refers it to the king.

7. Councils of Winchester and Windsor, where the dispute betwixt the archbishops was heard. Pleas on both sides. Determined in favour of the see of Canterbury.

8. Lanfranc, elated with his success, sends a copy of his book against Berengarius to pope Alexander. The king suspends the changes he further intended in the church.

9. Hildebrand made bishop of Rome : his character and designs : the importance thereof.

⁴ Ibid.

10. The maxims and conduct of that prelate. He lays the foundation of his designs in gaining the right of investitures from the secular power.

11. Court of Rome projects the celibacy of the clergy: the reason thereof. The king convenes a council at Rouen in Normandy: the issue thereof.

12. Pope Gregory depends on his former friendship with archbishop Lanfranc; attempts to bring him into his design. Lanfranc remains steady to the rights of the church and the crown; despises the authority of pope Gregory; refuses to go to Rome upon his summons.

13. The king and Lanfranc break the measures of pope Gregory. His election questioned: an anti-pope set up. Lanfranc calls a council, which meets at St. Paul's: the transactions thereof.

14. A council meets at Winchester: the marriage of canons forbid; allowed to the parochial clergy. Lanfranc propagates the doctrine of the corporal presence.

15. Pope Gregory pushes on his design to change the ancient government of the church and set up an ecclesiastic monarchy: the advantages he had to carry on his design: challenges an authority over Christian princes; attempts to make them vassals to the papacy.

16. Gregory treats the clergy as his vassals: the mischiefs occasioned by his conduct: pretends that the kingdom of England was a fee of the papacy, and requires an oath of fealty from the king: grounds of that pretence: his pretensions rejected by the king.

17. Gregory summons archbishop Lanfranc to Rome. He refuses to go; justifies himself by the law of England; denies the authority of bishops of Rome. The king and archbishop maintain the rights of the church and kingdom of England. Pope Gregory complains; but in vain.

William I.

1071.

1. THE king having modelled the church to his own contentment, and so broken the factions in the state that he had no more reason to fear them, his affairs were brought to such a pass, that Lanfranc, on whose counsels the king did chiefly rely, was now at leisure to turn his thoughts to Rome; and some time this year he made a journey thither, accompanied by Thomas archbishop of York and Remigius bishop of Lincoln. Lanfranc had had the care and oversight of the studies of some nephews to pope Alexander, and Alexander himself had for some time been a hearer of his lectures, whilst he was professor at Bec in Normandy¹; and by the services which he had done for the court of Rome, the character he had there sustained, the post he was at this time possessed of, the person he represented, and the share he had in the favour

¹ [Vit. Lanfr. cap. xi, p. 11. Eadmer. Hist. Nov. I, p. 6.]

of his master, that prelate had so fair a claim to all the honour that could be done him by the holy see, that we are not to wonder if he was received with all possible demonstrations of esteem and affection. William I. 1071.

But the entertainment of the archbishop of York and the bishop of Lincoln is very surprising and mysterious: for, after they had been received with great civility, we are told they were both deposed²; the former as the son of a priest, the latter for simony, as having been guilty of covenanting with the king, that in consideration of the assistance which he gave him in his expedition he should be advanced to a bishopric, if he succeeded in his attempt upon England. For these reasons, says Malmesbury, they were deprived of the episcopal staff and ring: but on the intercession of Lanfranc, and his representing them as men of learning and merit, and of great use to the king in the beginning of his new government, the ensigns of their authority were delivered by pope Alexander to Lanfranc, with a power, if he thought fit, to restore them; which he accordingly did; and therefore he is said to have restored the deposed bishops to their former stations. This dark and mysterious story has been so generally received by our later writers, that one runs some hazard who pretends to call it into question.

After all, if we can suppose that these unfortunate prelates were not parties to a design formed about this time to rob princes of their right of investitures, a great deal may be said to rescue their memory from the reproaches which posterity has laid upon them. Certain it is, that this summary way of deposing bishops was a thing that Rome itself was yet unacquainted with, and what the papacy never arrived to when it carried its authority to the greatest height. And being the son of a priest was so far from being yet thought a just ground of deposition, that Baronius tells us there was a decretal made by this pope Alexander against it³. It is

² Ord. Vital. V, p. 548 C ed. Du Chesne, [vol. II, p. 304 ed. Le Prevost. Orderic however says nothing of the deposition of Lanfranc's companions, but only that they were all most honourably received; and he represents the visit as paid to pope

Gregory VII in 1076. The story of the deposition seems to rest on the authority of Eadmer, Hist. Nov. I, p. 7; and it is his account, rather than Malmesbury's (Pontif. I, fol. 121 b), which Inett gives.]

³ [That is, against such deposi-

William I. 1071. extravagant beyond all measure to think that an archbishop should be deposed for an infelicity he could not help, and which the canons of the church had never yet made a fault; and all this without a process, and by an authority which had yet no foundation, either in law or in fact, over an English bishop.

2. There seems to be as little ground for the simony charged upon the bishop of Lincoln. Ingulphus, who lived at this time, and who for some years had been a monk in the abbey of Fontanell in Normandy, assures us that by the constitutions of Normandy that abbey was obliged to assist the duke with twelve men when his occasions required it; and accordingly in his expedition to England the abbey sent him that number of men well horsed and armed, and together with the men sent one hundred marks to pay them¹. And Ingulphus was, by the appointment of the abbot, sent to conduct those men to the duke, and to present them in the name of the abbey. Though this was a duty incumbent on the abbey when the defence of their country or the wars of their duke called for their assistance at home, yet the invasion and conquest of foreign countries made their case very different: therefore this their assistance was so well received by the duke, that he made his acknowledgments in conferring many honours and favours upon the abbey and monks; and in particular Ingulphus ascribes his own advancement to the abbey of Crowland to this occasion². The monastery of Feschamp, probably not being so rich as that of Fontanell, was obliged to assist their duke in his wars with ten men³; and Remigius, a monk of that abbey, was made choice of to

tion. "Decretum reperitur ejusdem Alexandri papæ, ut electus filius presbyteri, si virtutibus polleat, non rejiciatur." Baron. Annal. an. 1071, viii.

¹ Ingulph. p. 74. [The feudal obligation of knight-service may possibly have been laid upon monasteries in Normandy even before the Conquest, but the passage here cited will not prove it. On the contrary Ingulf represents the offer of the twelve men and the hundred marks as quite voluntary, and dwells much on the munificent and con-

tinued gratitude of the Conqueror. The list of knights'-service due to the duke of Normandy, which is cited in the next note but one, is only of the time of Philip II of France, 1180-1223; and even in that list the abbey of Fontenelle is not found.]

² Ibid.

³ [Scriptum de servitiis militum quæ debentur duci Normanniæ in] Hist. Norm. Scriptor. ed. Du Chesne p. 1045. [See the last note but one.]

attend the army of the duke into England, to see that the William I.
 quota of men sent out by the monastery were provided with 1071.
 all things necessary; and it was obedience and not choice
 which forced this duty upon him, and brought him into
 England⁴. If we add to these reflections the character the
 writer of his life gives us of the piety, humility, and charity
 of Remigius⁵, and how unlikely it was that a man under the
 vow of poverty should be in a condition to assist the king at
 his own charge, there will be great reason to think, either
 that there was no ground to charge that prelate with simony,
 or else that by simony is not meant the purchase of a
 bishopric.

But this matter, which our historians have left very dark,
 the profession of Remigius to Lanfranc may possibly explain:
 for, that prelate having in that profession recounted the
 deposition of archbishop Stigand and the reasons thereof,
 he further adds, that the sentence passed upon him did
 involve all that had received their consecration from his
 hands, and require that either they should be deposed or
 suspended; and that this was his case, who had been con-
 secrated by Stigand, but at the desire of Lanfranc during his
 stay at Rome he there asked pardon of the pope, and by the
 mediation of Lanfranc obtained it⁶. This is the account
 Remigius, in his profession yet extant, gives us of this affair;
 whereas, had he been deposed, and for simony, this had been
 so open a falsehood as could never have been offered to his
 metropolitan, who had been in at the whole affair. Yet,
 after all, our historians are so unanimous and positive in
 affirming that he was deposed for simony, that one cannot
 doubt but they had some grounds for what they affirm.

3. Thus much is certain, that for some ages past the kings
 of England had not only the nomination of their bishops,
 but, as supreme ordinaries, had by delivering them a staff
 and a ring put their bishops and abbots into the possession

⁴ Girald. Cambr. Vit. Remig.,
 Angl. Sacr. II, 413.

⁵ Ibid.

⁶ Professio Remigii, Cotton MSS.
 Cleop. E, 1, [fol. 26. The greater
 part of the profession of Remigius
 is cited before, I, xxii, 16 note 3.

The next sentence to what is there
 given is this: "Verum, te ejusdem
 sanctæ metropolitanæ sedis antistes
 Lanfrance Romam petente, præfa-
 tum papam adii, teque mediante
 indulgentiam petii et impetravi."]

William I. of their respective trusts¹. And this was the ceremony known
 1071. by the name of Investiture, which occasioned so much trouble and contention in this and the succeeding age. Now it is very evident that Hildebrand, who was at this time first minister under pope Alexander, and who had the greatest influence in that court, upon his advancement to the papacy, about two years after the pretended deposition of Remigius, declared the investing of bishops the sole and incommunicable right of the papacy, and that it was heresy and simony to accept an investiture from a lay hand.

Besides, it is said that the king had imparted his design upon England to pope Alexander, and had given him hopes of his holding that kingdom as a fee of the papacy in case of his success², and had received a hallowed banner as a token of that prelate's approbation and good liking of his design: and if the king did not give hopes of holding England as a fee of the papacy, yet under that pretence Hildebrand did a few years after lay claim to it, and required an oath of fealty from the king³. But, whatever services he had received, or whatever promises that prince had made, before he came into England, he had really been obliged to the papal power for covering the violence which he had used in the deposing of the English bishops and clergy whom he could not trust.

If we add a little further, that simony was an usual name for a lay investiture when Malmesbury and Diceto wrote their histories; that what those writers call deposing the aforesaid bishops is expressed by taking from them the episcopal staff and ring, and their restoration is answerable thereunto, and described by giving them their staves and rings⁴ by the hands of Lanfranc; it will seem very natural to think that that artful court, which never overlooked any

¹ Ingulph. p. 63.

² ["Ne justam causam temeritas decoloraret, ad apostolicum . . . misit, justitiam suscepti belli quantis poterat facundiæ nervis allegans."] Malmesb. Reg. III, fol. 56, ed. Savile; [§ 238, p. 410, ed. Hardy. Malmesbury says nothing of William giving the pope hopes that he would hold England as a fee of the papacy. Nor does William of Poitou, nor Orderic, though both relate his message to

the pope. Guil. Pict. p. 197 C: Ord. Vital. III, p. 493 B, C, ed. Du Chesne, vol. II, pp. 122, 123, ed. Le Prevost.]

³ Lanfr. Epist. 7. [See below, § 16.]

⁴ Malmesb. Pontif. I, fol. 121 b. [Dicet. Abbrev. Chron. an. 1071, int. X Scriptor. ed. Twysden 484, abridging Eadmer's account in Hist. Nov. I, p. 7.]

advantage, and which never wanted assurance enough to call William I. that a fault which their interest obliged them to disgrace, 1071. had another meaning in this affair than what is commonly thought of, and that the pretences of illegitimacy and simony in the aforesaid cases were intended only as a cover for a secret which was not yet fit for the light, and (without giving umbrage to a jealous prince) were designed to prepare a way to an usurpation Hildebrand had already set his heart upon; and this was, to take the investiture of bishops out of the hands of princes.

4. Lanfranc did so far comply with Hildebrand's scheme as to assist him in covering the true secret of this affair from the view of the king by bearing a part in this mysterious transaction. At least thus much is plain, that delivering them the episcopal staff and ring was the ceremony by which the kings of England invested their bishops and put them in possession of their bishoprics, and delivering them back to the king was the ceremony by which they resigned; and when the court of Rome had usurped the right of the crown, and had taken to themselves the sole power of investitures, that court made use of the same ceremonies upon those occasions. So that, however our historians speak of this particular, the whole conduct and circumstances thereof and the present spirit of the court of Rome give one ground to suspect, that this mysterious practice was nothing more than an anticipation and first fruits of that usurpation on the royal power which that court at this time so passionately breathed after.

The aforesaid story, which is scarce omitted by any English writer, has escaped the observation of the Norman historians, who say nothing of the aforesaid depositions, but on the contrary give us an account that seems inconsistent therewith; for they tell us that Lanfranc and Thomas and Remigius were the ambassadors of the king, and received at Rome with all the marks of honour and esteem¹: and thus far they agree with the English, that Thomas archbishop of York was gratified with one pall, and Lanfranc with two².

¹ Ord. Vital. V, p. 548 C ed. chapter, note 2.]
 Du Chesne, [vol. II, p. 304 ed. Le
 Prevost. See before, § 1 of this

² [Pope Alexander's gift of two
 palls to Lanfranc is mentioned by

William I. But, everything considered, one is under great temptation to
 1071. believe that the English writers had ground for what they said, and that Hildebrand's scheme of affairs was no secret with Lanfranc.

But changes in the constitution and public order of church and state are usually better in the speculation and first views than in the trial and practice. And the mutual reproaches which afterwards passed betwixt Lanfranc and pope Gregory³ make it highly probable that their ancient friendship broke upon this bottom; and that Lanfranc, however he might for the present comply with the designs of the court of Rome, changed his sentiments when he had time to consider the consequence thereof, and left the interest of pope Gregory, and took part with the king against the designs of the court of Rome. But, if he was just to the authority and rights of the crown in this particular, he had a great share in breaking the measures of the king in another instance; and this was a design to dispossess the cathedral monks, and bring in secular canons in their stead.

5. A change of this kind was projected about this time, which had its beginning either from the king or from the bishops, and no doubt would have been accomplished by this prince, had he but tasted of those mischiefs which the stiffness and bigotry of the monastic spirit drew upon his successors. But, whether it was the interest the papacy had in the preservation of the religious, or the particular affections of Lanfranc, which led him to it, it appears highly probable that pope Alexander and Lanfranc did, at this their interview in Rome, enter into measures to break the design formed against the cathedral monastics: but, the purposes of the king and the bishops not being yet brought to maturity, Lanfranc contented himself to return to England with a letter from pope Alexander, wherein that prelate recommends the religious to the particular care of the king¹.

Notwithstanding the recommendations of pope Alexander,

his biographer, cap. xi, p. 11. and by Lanfranc himself in Epist. 3, but not by Orderic or any other of those who are usually called the Norman historians.]

³ Lanfr. Epist. 8.

¹ Alexand. Epist. 10, Concil. Labbe IX, 1123, [Mansi XIX, 950. This letter recommends "ecclesiasticas personas" to the care of the king, but does not specify monastic persons.]

the king and the bishops and the nobility of England continued steady in their thoughts that the placing of monks in cathedrals, who were for the most part laymen, was no way agreeable to the primitive institution of those societies, which were from the beginning intended as colleges of priests, who might both serve as council and assistants to their bishops in all the offices of their holy function. And this was generally the case of cathedrals abroad in the western nations. Besides, the monks of England had fallen into the vanity and luxury of the age, and indulged themselves in sports and diversions, in fine horses, rich equipage, and a pompous way of living, and so far gave up themselves to a licentiousness of every kind, that except a name they had little to distinguish them from other men². Therefore this design advanced so far, that Walkelin bishop of Winchester had provided a body of forty canons, ready to furnish his cathedral³. The like change was projected for the church of Canterbury⁴: but it was opposed by Lanfranc, who so far engaged pope Alexander in the same interest, that in a decretal epistle directed to the archbishop he condemned the intended change, and, grounding his sentence on a pretended epistle of Gregory the Great to Augustin, he confirmed the monks of Canterbury in their places⁵. The like favour and encouragement did that prelate give to the monks of Winchester: for these, being sensible as well of their own demerit as of the danger which threatened them, wrote to pope Alexander; in which letter they beg that he would not hearken to any false suggestions against them, and give him all assurance that according to his paternal directions they would amend whatever was amiss amongst them, and in the most humble and submissive manner beg, for the merits of St. Benedict and their great patrons Edgar and Dunstan, that they may not be expelled their house⁶. And in return they obtained a bull of confirmation from pope Alexander⁷, but in a strain so short of the zeal with which

William I.
1072.

² Malmesb. Pontif. I, fol. 122 a, 34-39.

³ Ibid. 122 b, 2.

⁴ [Eadmer. Hist. Nov. I, p. 10.]

⁵ [Ibid.: Lanfr. Epist. 4:] Alex- and. Epist. 39, Concil. Labbe IX, 1143, [Mansi XIX, 969. See below, vii, 3.]

⁶ [They beseech the pope "pro amore b. Benedicti et supradictorum terræ nostræ patronorum", meaning apparently St. Birinus, St. Swithun, and St. Aethelwold.] Epist. Wint. Eccles. ad Alex. II, Angl. Sacr. I, 320.

⁷ Ibid. p. 321.

William I. his successors espoused the interest of the religious, as shews
 1072. he had yet no prospect of the mighty services with which monastics afterwards obliged the see of Rome. And indeed there was no ground for an expectation of this kind; for monasteries were yet but few, and these for the most part under the regulation of the canons.

6. This affair of the religious was not the only thing recommended to the care of Lanfranc by pope Alexander; but, in his letter to the king brought by that prelate, pope Alexander thought fit to tell the king that Agelric late bishop of Chichester was not regularly deposed by his legates, and therefore desired that his cause might be reheard by archbishop Lanfranc¹. And there is no doubt to be made but he judged truly in this affair, and that the depositions made to serve the interest of the Norman revolution were all irregular. But the same reasons, which rendered that proceeding necessary to the affairs of the king, made it no less necessary to defend it; and, whatever deference that prince might pay to the bishops of Rome, his whole conduct shows that he never lived long enough to be sensible of any duty which he owed to the holy chair, but such as was consistent with his right and his interest: and therefore this matter, notwithstanding the recommendations it brought along with it, was laid to sleep, and the deposed bishop continued a prisoner² during his life, whilst Stigand his immediate successor in the see of Chichester, for aught that appears to the contrary, sat quiet and undisturbed in his chair.

As little regard was paid to the recommendations of pope Alexander in the affair of the archbishop of York and the bishop of Lincoln, relating to the boundaries of their respective dioceses; for, though this was particularly recommended to the thoughts of the king in the epistle of pope Alexander³, yet it does not appear that it was ever considered during his life, and it is very evident that it was never finally adjusted till the reign of his son⁴.

¹ Alexand. Epist. 10, Concil. Labbe IX, 1123, [Mansi XIX, 950.]

² [His imprisonment is mentioned in a letter of pope Alexander to Lanfranc, printed from a manuscript in the Cottonian Collection in Angl. Sacr. I, 322, but not in the collection

of that pope's epistles. His cause was heard and decided in a synod under Lanfranc at Winchester April 1, 1076. Concil. Britan. Spelman II, 13, Wilkins I, 376.]

³ Alexand. Epist. 10, *ibid.*

⁴ [See below, iv, 4, 5.]

Whatever the measures of Lanfranc were in other things, William I. his conduct never wanted life or vigour where his own reputation or the dignity of his see were immediately concerned. 1072. Accordingly after his return from Rome he presently applied himself to assert the primacy of the see of Canterbury against the pretensions of Thomas archbishop of York. This controversy was first begun at the consecration of that prelate in the year 1070: for, Lanfranc not only requiring a profession, but an oath, of canonical obedience, Thomas did for a while refuse to receive his consecration, and went and made his complaint to the king; who, easily foreseeing of what ill consequence a dispute of that kind must necessarily be to a new and unsettled government, found out a temper which put a stop to the dispute for a while⁵. However, this expedient only covered the fire, but did not extinguish it; for Thomas, unable to bear the hardship which he thought he had received, takes his opportunity, during their stay at Rome, to lay open his case to pope Alexander, in hope to find the remedy there which the powerful interest of Lanfranc gave him great reason to fear would not be obtained at home. But he sped no better at Rome; for Alexander was too wise to embroil himself in an affair he well knew he had nothing to do with (and the king was too great to be ill used), and therefore wisely declined the matter, and advised them to refer it to the king and his great council.

7. Accordingly this year, at the meetings of the great council at Winchester at Easter, and at Windsor the Whitsuntide following, this matter was fully heard; where the archbishop of York pleaded for himself that the model of pope Gregory the Great had fixed the primacy of England in the person of Augustin, and not on the see of Canterbury, and determined that after his death the archiepiscopal sees should be London and York, that the primacy should not be fixed to either, but the respective bishops thereof should take place according to their priority of consecration¹. And, that his district might be answerable to the primacy to which he pretended, he laid claim to the dioceses of Lincoln, Worcester, and Lichfield, as within his province, and pretended that the

⁵ [See before, II, i, 15.]
marked 116) b.]

¹ [Malnesb. Pontif. I, fol. 120 (falsely

William I. bishops thereof had been anciently subject to his predecessors².

1072. Thus much is evident, that all the midland parts of England were converted by the bishops of the kingdom of Northumberland, or by such of the clergy as had received their orders and mission from them; and a king of Northumberland had the honour to be the first founder of the bishopric of Lindsey³: but upon what ground it was said that the bishops of Dorchester or Lincoln, and those of Worcester and Lichfield, had been subject to those of York, it is not easy to conjecture. That of Malmesbury, who resolves this pretence into the archbishop of York's unskilfulness in the antiquities of England, seems the most probable account of that opinion.

On the other hand, Lanfranc produced the bulls of Gregory, Honorius, Vitalian, and Sergius in favour of his pretence; and, which is more, he had the judgment of the king and bishops of England and an usage of near four hundred years on his side: and therefore, upon the hearing of the whole matter in the presence of the king and queen, Hubert a cardinal and legate of pope Alexander, and the bishops and abbots, it was determined, that the primacy of England did of right belong to the archbishops of Canterbury; that they had a right to convene the archbishops of York to their synods, and to require not only a profession, but an oath, of canonical obedience at their consecration; that on the death of an archbishop of Canterbury the archbishop of York should, upon the nomination of the king to the vacant bishopric, resort to Canterbury, and together with the bishops of the province assist at the consecration of the new archbishop⁴.

Though the primacy was thus adjudged to the see of Canterbury, yet the archbishop of York was left quiet and undisturbed in the title and authority of a metropolitan, and the bishop of Lindisfarne, now Durham, declared his suffragan, and all the north of England, from the diocese of Lichfield on the west and from the Humber on the south to Scotland on the north, was declared his province⁵.

8. How little the archbishop of York was satisfied in the

² Ibid. fol. 117 a, 53.

³ [See before, I, iv, 9; vi, 5.]

⁴ [Vit. Lanfr. cap. xi, p. 12: Malmesb. Pontif. I, fol. 117 b:] Concil.

Britan. Spelman II, 5, [Wilkins I, 324.]

⁵ Ibid.

resolutions of this assembly, it is very easy to conjecture: William I. but as for Lanfranc, he seems to have been transported with 1072. his success; and in two epistles, the one to pope Alexander and the other to Hildebrand, he gave an account thereof in terms that carry such marks of entire satisfaction, as plainly show that he had set his heart upon the success of this affair¹. Whilst he was thus exalted, he seems to have forgot the reservedness and caution which he was forced afterwards to make use of in all his despatches to the court of Rome, and to have run into some strains of flattery in giving a greater share in this affair to pope Alexander than in truth he deserved. And, amongst other instances of his gratitude for services which he had received, Lanfranc sent him a copy of the book which he had some time before wrote against Berengarius in favour of the corporal presence². This dispute betwixt the two archbishops being thus ended, and the assembly broke up, and his affairs in England brought to some settlement, the king, having other views before him, did for the present suspend the designs he had formed for the further alterations in the church, and turned his thoughts to Normandy; whither we must follow him for a while, to observe the rise and motions of that affair which broke his first measures, and retarded the changes in the English church which he had some time before projected.

The pride of mankind does so naturally infuse itself into, and give a tincture to, their counsels, that their vanity and ambition would know no bounds, if there could be any steadiness and certainty in human affairs. But lest we should forget ourselves, and overvalue our own wisdom and conduct, God has so mixed and allayed the comforts of this life, that they are very often most insecure when we think we hold them fastest; and, which is more mortifying, the very trains we lay to bind them faster do sometimes give beginning to the misfortunes which rob us of them. It was something of this nature which broke the peace of the king of England, and helped to humble the aspiring thoughts which his success had raised: for his glory was beheld with an envious eye by all the neighbouring princes; especially by Philip the French

¹ Lanfr. Epist. 3, [5].

² Ibid. Epist. 3. [Lanfranc sent it at the pope's own desire, "sicut præcepistis."]

William I. king, who had more particular reason to fear the ill effects of
 1073. it; and therefore no address was omitted that might embroil him with his own people, and find him work enough at home. And so artfully were the discontents of the people of Maine conducted by the intrigues of the French court, that they broke out into a rebellion: and this called the king into Normandy the beginning of this year; and though he carried a good army over with him, and was for the most part successful, yet it was three years before he brought his affairs to such a pass as would permit his return to England³.

9. Whilst things in Normandy were in this ill posture, another rebellion broke out in England some time this year; but by the good conduct of his generals, and the wisdom and temper of Lanfranc, and the assurances which he gave, that for the time to come the king's English subjects should be better treated, matters were quickly brought to that pass that Lanfranc sent notice to the king, that this rebellion was so near suppression that there was no necessity of his return to England¹.

If these occurrences of another nature took off the thoughts of the king from the concerns of the church, a change, occasioned by the death of pope Alexander the Second, made it necessary to recall them. For, that prelate dying the two-and-twentieth of April in this year, Hildebrand archdeacon of Rome made such haste to succeed him, that he thrust himself into his chair before his predecessor was put into his grave; for the very day that Alexander died Hildebrand was by a military force, as some, or by election, as others pretend, advanced to the papacy². And the haste he made to that station, and the proofs he had given of his undertaking and ambitious temper in the time of his predecessor, made it easy to foresee what might be expected from him.

Hildebrand, being thus advanced to the chair of pope Alexander, took upon himself the name of Gregory the Seventh in memory of Gregory the Sixth who had been his schoolmaster, and in whose fortunes he had been a partaker

³ Lanfr. Epist. 7.

¹ Lanfr. Epist. 34.

² Concil. Labbe X, 2, [Mansi XX, 57. Pagi on Baron. Annal. an. 1073, iii, shows that pope Alex-

ander died on April 21, and that Hildebrand's election took place on April 22, the day of Alexander's burial.]

as well during his pontificate as after his abdication and forsaking of his chair. Hildebrand was a man of a low stature, the son of a carpenter; but came to the papacy with designs vast and boundless as his ambition. He had been bred to business, had a just knowledge of men, and was perfectly acquainted with the present state of the western churches and with the courts of princes. He had a natural pride and haughtiness of temper, which was so elated by the opinion which he had conceived of his new character, that he could bear no counsels which seemed either to lessen the idea he had of it, or to thwart the designs which he had formed. And these were such as he had the honour to begin, and such as the most daring ambition of mankind had never aspired to before: for "he had formed a design of becoming lord spiritual and temporal over the whole earth, the supreme judge and determiner of all affairs both ecclesiastical and civil, the distributor of all manner of graces [of] what [kind] soever, the disposer not only of archbishoprics, bishoprics, and other ecclesiastical benefices, but also of kingdoms, states, and the revenues of particular persons"³; or, as the same learned writer elsewhere expresseth it, "his aim was to bring all the crowned heads under his subjection, and to oblige them to hold their kingdoms as fiefs from the holy see, and to govern them at his discretion"⁴.

10. The conduct of this haughty prelate was answerable to the views upon which he acted; for, having called a council of Italian bishops not long after he came to the papacy, the maxims he there delivered were such just and lively images of a boundless ambition as the world had never been acquainted with before¹. These were in all twenty-seven, of which a taste may suffice: viz. that the pope ought to be called the universal Roman bishop²; that he only³ has power

³ Du Pin, Eccles. Hist. Cent. XI, ch. v. p. 33.

⁴ Ibid. p. 48.

¹ [This set of maxims, under the title of "Dictatus Papæ", is found in the second book of Gregory's Epistles after Epist. 55, and might therefore be supposed to have been propounded by him in that which is usually called his second synod, held at Rome in 1075. Concil.

Labbe X, 110, Mansi XX, 168. But their genuineness is denied by Du Pin, *ibid.* p. 68, by Pagi on Baron. Annal. an. 1077, viii, and by other writers.]

² [So Richer puts it, "Quod solus papa jure dicatur universalis Romanus pontifex", a statement not worth disputing. But the proposition, as it really stands, is very different; "Quod solus Romanus pon-

William I. to depose and reconcile bishops; that his legates ought to
 1073. preside in councils; that he only⁴ has power to depose princes;
 that the calling of councils was his right; that his sentences
 ought not to be called into question; that the right of appeals
 did belong to the see of Rome⁵: and all the rest of that pre-
 late's maxims have a turn very agreeable to these which I
 have mentioned. From this character of pope Gregory, and
 the plan of his designs which lie visible in his maxims, the
 reader will be enabled to make a true judgment of the spirit
 by which he acted in the parts he bore in the affairs of the
 English church. His zeal and address were well fitted to
 the aforesaid maxims, and the success thereof so much beyond
 expectation, that the same learned writer, who has obliged
 the world with a plan of Gregory's designs, does from his
 pontificate date the servitude of the western churches⁶.

In order to a design of this vast importance it was abso-
 lutely necessary, first, to take the patronage and disposal of
 the revenues of the church out of the hands of princes, and
 then, secondly, to bring the clergy from their dependence on
 them to a dependence on the see of Rome. And though there
 were many other particulars of great moment, yet for the
 most part they were but branches of these two great articles,
 and such as would of course fall into his hands, if he should
 succeed in these two instances: these were therefore the first
 and great subjects of his application and address. The super-
 stition of this and the two preceding ages had drawn mighty
 wealth into the church, and Gregory rightly judged, that, if
 he could gain the disposal of this wealth, he might command
 the interest and authority which went along with it; and
 that he and his successors should have the disposal of the
 revenues of the church, if they could bring the world to be-
 lieve that they had a right to judge of the qualifications and
 abilities of those who were to be trusted with the conduct of
 that authority which Christ had left to his church. And the
 corrupt practices in disposing bishoprics and abbeys, notorious
 at this time, furnished him with a very fair opportunity to

tifex jure dicatur universalis", that
 the bishop of Rome alone is rightly
 styled universal.]

³ ["Ille solus", he alone. See
 below, iii, 5, note 1.]

⁴ [No word for "only" occurs in
 the original.]

⁵ Richer, Hist. Concil. I, xiii, 3.

⁶ Ibid.

cover the designs which he had formed with the appearances of religion and a zeal for the honour of God and the discipline of the church. William I. 1073.

11. The next thing requisite to his design was to bring the clergy to an entire dependence on the see of Rome. And in order thereunto he was in the first place to set them loose from the civil governments under which they lived: and, that the consideration of wives and children, their usual pledges to the state, might not break his measures, he immediately applied himself to cry up the perfection of celibacy, and by all possible means to force the present clergy to forsake their wives, and to prevent the marriage of their successors. And as a canon of the first council of Nice and the example of antiquity were pretended, to cover the true reason of his proceeding in this article, so the pretence of simony and the great corruption in disposing ecclesiastical preferments were made use of, to colour the design of taking the disposal of the wealth of the western church into the hands of the bishops of Rome. Therefore, though an attempt on the investitures of bishops and abbots was the thing resolved upon, and which in a little time the court of Rome openly avowed, yet for the present simony and corruption were the things they pretended to reform. These designs being thus artfully covered, and all possible address made use of to possess the world, especially the clergy and religious, with an opinion of the great advantages which would accrue to the church and to religion from these changes, a great many men, who intended better than they judged, were drawn into them. But, having said this to let the reader into the reasons which led the court of Rome to set all Europe in a flame under the pretence of reforming abuses and corruptions and promoting the holiness and purity of the clergy, it will be time to return to the affairs of the English church.

Gregory, being advanced to the papacy, notified the same to the king; who in return sent to congratulate his accession to the papal chair. And the better to make his court to that prelate, who begun his pontificate in the loudest outcries against simony, the year following at a council held at Rouen in Normandy, where the king was present, a canon was passed 1074.

William I. for the extirpation of simony¹. But, the king possibly seeing
 1074. into the true reason of Gregory's conduct, that canon was formed as cautiously as if he had designed to prevent the hopes of Gregory; for, without taking any notice of the disposal of bishoprics, that canon was confined to the disposition of abbeys, archdeaconries, deaneries, and parochial churches: but, to make it go down the better, the king ran so far into the other part of Gregory's design, that it is said he made use of his authority to compel the clergy to leave their wives.

12. The archbishop of Canterbury, Lanfranc, had had great friendship with pope Gregory for some years before his advancement: therefore Gregory promised himself that he would come entirely into his interest; and in this confidence sent a messenger to him, not only to notify his accession to the papal chair, but by word of mouth to acquaint Lanfranc with those matters which, as he tells him in his epistle, he did not dare to trust to the keeping of some of those about him, to whom in appearance he gave the highest marks of his favour and confidence¹. Whatever this secret was, what Gregory saith of it in his epistle is reason enough to induce one to believe, that that prelate promised himself the entire friendship of Lanfranc, and that the secret he committed to his keeping was of the first moment and importance: but he did not think fit to commit it to writing; therefore, if Gregory had not afterwards made his designs public, there might have been some doubt about it. But, notwithstanding the confidence Gregory reposed in Lanfranc, that prelate seems to have trod exactly in the steps of his master, and to have been just to him, and to the trust and character which he himself supported. Therefore, though Gregory pressed him very importunately to come to Rome and to concert matters with him, Lanfranc still refused. Nor was Gregory more successful when he made use of his power, and again and again commanded Lanfranc to come to Rome; for, instead of obeying, Lanfranc absolutely refused to go, and answered his commands in such a manner as in the consequence thereof amounted to

¹ Concil. Labbe X, 310, [Mansi XX, 397, 398.] pend. Epist. 1 ad Lanfr., Concil. Labbe X, 306, [Mansi XX, 374.]

¹ (on § 12.) Gregor. Epist. Ap-

a denial of his authority over him. For, whilst he thus per- William I.
sisted in his refusal, he told Gregory he would observe the 1074.
canons of the church, and obey him so far as they required of him². How well this epistle of the archbishop was received at Rome, the spirit and designs of pope Gregory make it easy to conjecture; for an authority founded in a divine right and without limitation is so different a thing from an authority founded in human institutions and limited by canon, that the softest inference which the conduct of this learned prelate is capable of is, that he knew of no authority that the bishops of Rome had over the archbishops of Canterbury from any canon of the church, much less by a divine right.

13. Whilst the king and the archbishop seem thus to have acted in concert to break the measures of pope Gregory, they followed the steps of that artful prelate, and made the most solemn professions of a profound veneration and esteem for the holy chair; and the address was so equal on all sides, that it is hard to say which of them gained the most by it. Beside the many enemies which these designs of Gregory had drawn upon him, there was a great party which denied the canonicalness of his election, and in opposition thereunto set up Guibert archbishop of Ravenna¹; so that the owning him by the English and Normans as the rightful bishop of Rome, which did depend on the pleasure of the king, and was as such challenged by him, and allowed by his subjects as one of the prerogatives of the crown, was so necessary a service at this time, that Gregory thought it his interest to conceal his resentments for the present.

In the meanwhile, that that prelate might reap no advantage 1075.
from any seeming neglect in the affairs of the church of England, Lanfranc during the absence of the king called a council, which met in St. Paul's in London this year. This council consisted of the two archbishops of Canterbury and

² Lanfr. Epist. 8. [See below, § 17.]

¹ [The election of Guibert, who took the name of Clement III, was made in June 1080, and was provoked by Gregory having for the second time excommunicated, and pronounced the deposition of, Henry

IV of Germany. But a strong opposition to Gregory was shown, and a protest against his continuing in the papal chair was subscribed, by the assembly which Henry convened at Worms on Septuagesima Sunday 1076.]

William I. York, eleven English and one Norman bishop, Anchtell arch-
 1075. deacon of Canterbury, and one-and-twenty abbots².

The first thing agreed upon was the order of the bishops, wherein the place on the right hand of the archbishop of Canterbury was assigned to the archbishop of York, and that on the left to the bishop of London, in case the archbishop of York was present; but if absent, the first place on the right hand was assigned to London, and Winchester took his place on the left, as he did on the right of the archbishop of York if present in council. And, the better to preserve a just decorum in all such assemblies, it was decreed that, except the bishops and abbots, no one should presume to speak in council but with the leave of the metropolitan; a decree which very naturally leads one to think that the lower dignitaries and clergy of England had yet neither suffrage nor place in provincial councils. And indeed the mention of the archdeacon of Canterbury, the only person of that order that was present at this council, compared with the fifth canon³, which requires the bishops to appoint archdeacons in their several dioceses, leaves it out of doubt that that order was not generally established at this time.

The Benedictine order was in part confirmed in this council; and the canons of Sardice and Laodicea, which direct the settling of episcopal sees in the most conspicuous places in the diocese, were received. And, the king having before signified his pleasure, the see of Sherborne was removed to Salisbury, that of Selsey to Chichester, and that of Lichfield to Chester: but, notwithstanding the aforesaid resolution of this council, the removes of the other episcopal sees were deferred till the return of the king gave him time to signify his pleasure in that particular.

Marriages to the seventh degree of blood were forbid at this time, and so were sorceries and enchantments; and the ancient canons which forbid bishops to be judges in cases of blood were revived and received.

1076. 14. Another council was convened the year following to

² Concil. Britan. Spelman II, 7, [Wilkins I, 363.]

³ [That is, with the fifth canon of another council, which was held at

Winchester, and which is placed in 1076 by Spelman and Wilkins, in 1070 by Johnson. See below, § 14.]

meet at Winchester, wherein the marriage of the secular William I.
 canons was forbid: the parochial clergy were allowed to con- 1076.
 tinue the enjoyments of their wives, but their future marriages
 were forbidden¹. There are several copies of this Council,
 one of which presents us with thirteen, the other with sixteen,
 constitutions; and these so different, that they do not look like
 the work of the same council²: but they carry such marks of
 the age, as give reason to think they are the products of it. Of
 these the fifth in the Worcester copy requires the bishops to
 constitute archdeacons and other ministers of the church; a
 constitution which may possibly direct us to the change which
 not long after this time was introduced into the polity and
 administration of the English church³. The ninth forbids
 the bishops to enter into any conspiracy against the king;
 and the tenth requires the payment of tithes. In the copy
 from the Cotton library, the fifth requires that altars should
 be made of stone; the sixth forbids the use of beer, or water
 unmixed, in the administration of the sacrament, and requires
 the use of wine and water; the seventh confines the adminis-
 tration of baptism to Easter and Whitsuntide, unless in cases
 of danger; the ninth forbids the burial in churches; the
 thirteenth enjoins bishops to hold their synods twice a year⁴;
 and the sixteenth forbids the use of chalices made of wax or
 wood.

As Lanfranc thus laboured for the discipline and outward
 administration of the English church, it seems very likely
 that he prepared the way for the reception of that opinion in
 England which he had taken so much pains to defend and to
 propagate abroad, the opinion of the corporal presence of
 Christ in the sacrament. It is certain this opinion was ex-
 pressly contrary to the doctrine received in the English church
 at the time of the Norman conquest⁵. And though God, who,
 to punish the wilful infatuations of men, does sometimes give
 them up to strong delusions and suffer them to believe a lie,

¹ Concil. Britan. Spelman II, 11,
 [Wilkins I, 367.]

² [Johnson supposes the thirteen
 canons to have been made in a coun-
 cil held in 1070, the sixteen in ano-
 ther in 1071. Both sets are contained
 in Concil. Britan. Spelman II, 12,
 Wilkins I, 365.]

³ [See below, iii, 15-17.]

⁴ [The thirteenth canon of this
 set enjoins each bishop to hold a
 synod every year. It is the fourth
 canon of the former set which re-
 quires bishops to hold synods twice
 a year.]

⁵ [See before, I, xxi, 2-7.]

William I. did think fit so far to give up some of the clergy of this age
 1076. to blindness, that this doctrine was about this time received with greediness by a great part of the Romish church; yet Berengarius, one of the most learned men of the age, had great reason to say, that, except Paschasius and Lanfranc and some few others of this age, this opinion only prevailed amongst the vulgar or illiterate⁶; and even Lanfranc does not deny that those who opposed it were very numerous, though he thinks fit to reproach them with the names of schismatics⁷. It seems probable that from the time of the Norman revolution this opinion begun to be received, and by silent and unobserved steps grew up, till in time it prevailed, and became the received doctrine of the English church. And this change seems to be owing to the Norman revolution, and more especially to the turning out of so many of the English bishops and clergy, and to the part which Lanfranc had in the choice of the new bishops and clergy, in the settlement of the church under the Norman government. Therefore M. Westminster, after he has told us that the opinion of Berengarius, as he thinks fit to call it, had spread itself over France and Italy and England, gives Lanfranc a great share in opposing it and propagating the contrary doctrine⁸.

15. Whilst things passed in this manner in England, pope Gregory with great vigour and application pushed on his design to change that form of government which Christ had given to his church, and, instead of that aristocracy under which the Christian church had flourished for a thousand years, to establish a new spiritual and universal monarchy. The difficulties seemed invincible which lay in his way, and

⁶ ["Erat autem Burgundus in sententia, imo vecordia, vulgi, Paschasii, atque Lanfranci, minime superesse in altari post consecrationem substantiam panis atque vini." Bereng. cited in Lanfr. de Corp. et Sang. Domini cap. IV. Lanfranc says in reply: "Cum catholica ecclesia dividatur in clericalem ordinem atque laicalem; clericalis vero ordo consistat in episcopis ac reliquis Christi sacerdotibus aliisque diversarum dignitatum ecclesiasticis personis; hos autem omnes præter pau-

cissimos schismaticos hanc fidem tenere manifestissimum sit; rectius dixisses, Erat autem Burgundus in sententia catholice ecclesie, sed non in mea meorumque sequacium." Lanfr. Op. p. 234.

⁷ ["Neque enim negat (Augustinus) veritatem carnis et sanguinis Christi, quod plerisque schismaticis visum est, et adhuc non cessat videri." Lanfr. Epist. 33. ["Schismatici et fautores eorum circa vos et inter vos sunt." Epist. 50.

⁸ M. Westm. an. 1087.

his pretence was so wild and extravagant, that all Europe stood amazed at it; yet he bore up against every difficulty, and still got ground. And indeed, though he met with great opposition, yet, as Monsieur Du Pin has well observed, he had some lucky circumstances which favoured his imposture: for the empire of Germany was weak, and the misunderstanding betwixt the emperor Henry the Fourth and the German princes proved of great use to him; France was governed by an infant king; England newly conquered, and the Norman government unsettled; Spain in part under the government of the Moors, and all the rest thereof in danger of being overrun by them; the kingdoms of the North newly converted; Italy in the hands of many petty princes; and all Europe engaged in factions¹.

William I.
1076.

Having these advantages, this haughty prelate called the emperor to account, and some time this year excommunicated him, and absolved his subjects from their allegiance, and declared he had forfeited the kingdoms of Germany and Italy². To the Spaniards he wrote, and signified to the princes thereof that Spain was the ancient inheritance of St. Peter, and that the right of the holy see was unalienable, and could not suffer by the invasion of the Moors³. In a style of the same kind did he address to Geusa duke of Hungary, and tell him that the kingdom of Hungary was subject to the holy Roman church⁴. To Demetrius king of Russia he pretends to grant that kingdom, but to be held as a fee of the papacy⁵. And in his epistle to Swayn king of Denmark, he tells him, that

¹ [Du Pin, Eccles. Hist. Cent. XI, ch. v, p. 33.]

² [Ibid. p. 39.] Greg. Epist. III, 6, Concil. Labbe X, 133, [Mansi XX, 191. The actual sentence of excommunication is in Concil. Labbe X, 356, Mansi XX, 468.]

³ Greg. Epist. I, 7, Concil. Labbe X, 10, [Mansi XX, 65. This letter is addressed "omnibus principibus in terram Hispaniæ proficisci volentibus", and is in the nature of letters patent authorising cardinal Hugh, who received it, to make agreements on behalf of the see of Rome with such princes as were preparing to recover Spain from the Infidels. It was written on April 30, 1073, im-

mediately after Gregory's election. There is however a letter, IV, 28, dated June 28, 1076, addressed by Gregory to the kings and nobles of Spain after some successes against the Moors, in which the same pretensions are as plainly made.]

⁴ Greg. Epist. II, 63, [dated March 23, 1075. See also II, 13, a letter to Salomon king of Hungary, dated October 28, 1074; and especially II, 70, dated April 14, 1075, and written to Geisa, sanctioning his successful insurrection against his cousin, king Salomon.]

⁵ Ibid. II, 74, [dated April 17, 1075.]

William I. Christian princes were to be corrected, as well as taught, by
 1076. the apostolic see, and that the sound of that authority was gone out into all the earth⁶. He was bolder in his attempt upon France, and thought of nothing less than making it a tributary kingdom, and wrote to his legates there, the bishop of Albania⁷ and the prince of Salerno, to "acquaint all the French, and" to "enjoin them in his name, that each house pay at least a penny every year to St. Peter, as an acknowledgment of his being their father and pastor"⁸. He made the like pretensions to the kingdoms of the North⁹. In short, the designs of that prelate were by this time become so visible to all Europe, that, in the circular letter of the emperor to the bishops and princes of the empire, "he implores their assistance in the urgent necessity he lay under, and in that oppression under which both the empire and church laboured through the tyranny of Hildebrand, who designed to take upon himself alone the regal and sacerdotal authority, contrary to divine institution, which had committed the one to princes and the other to bishops"¹⁰. And, however invidious this charge may appear, the matter of fact is so notorious, that a learned writer now of that communion is pleased to say, that pope Gregory "used his utmost efforts to persuade the world, that he was rightful sovereign of the whole universe, as well in civil as in ecclesiastical affairs"; that he "attempted to dispossess the emperor and the kings of their dominions, and imagined that he had a right to dispose [of] them in favour of whomsoever he should think fit to advance to that dignity"¹¹.

16. The clergy he treated in a manner suitable to the idea which he had of his own power, and expected from them "a blind obedience", and that they should "do nothing in their own dioceses without his order"¹; or, as the same learned writer too modestly expresseth it, "he carried the spiritual supremacy beyond its due bounds, and abrogated almost the whole authority of the bishops, and the liberties of particular

⁶ Ibid. 75, [of the same date.]

⁷ [The bishop's see was at Albano. See below, iv, 9, note 1.]

⁸ [Du Pin, *ibid.* p. 49.] Greg. Epist. VIII, 23, [without date.]

⁹ Du Pin, *ibid.* pp. 50, 51.

¹⁰ Ibid. pp. 37, 38. [This was early in the year 1076: see before, § 13 of this chapter, note 1.]

¹¹ Du Pin, *ibid.* p. 126.

¹ Ibid. p. 33.

churches''². Their persons sped no better than their rights: William I. for he threatened some, excommunicated others, and deprived, 1076. so far as he was able, every one that stood in his way; and in the compass of about four years occasioned more mischief and confusion and embroilment in the church than all the enemies thereof had done in five hundred years before.

Whilst this vain prelate had in his own imagination swallowed up the civil and ecclesiastical power, and like the madman of Athens³ had possessed himself with a belief that all the power and all the wealth of the world was his, it was easy to foresee he had a reckoning to make with the king of England. And accordingly, presently after that prince's return to England, he sent his legate Hubert to him, to let him know, that the kingdom of England was the patrimony of St. Peter, and that he expected he should hold it of him as supreme lord, and take an oath of fealty to him; and, as if he hoped to give some colour to so insolent an attempt, at the same time that he thus insulted the king, he minded him of an arrear of Peter-pence due to the holy chair. And it is not strange if a man, whose ambition had turned his understanding to his interest, could persuade himself that this very payment, for which his immediate predecessor knew no other name but that of a yearly pension⁴, was nothing less than a tribute. And indeed a little reason is enough to engage his faith, who is beforehand resolved to believe: therefore we are not to wonder if this vain prelate persuaded himself that he had a pretence to the crown of England. But it is so unusual for men to rave in cold blood, that one is amazed to hear men in their wits making use of the charity of the kings of England to prove them vassals: and yet so fatally do we see men misled by prejudice and the interests of a party, that the publisher of Lanfranc's works, in his notes on the epistle of the king to pope Gregory, the learned D'Achéry, thinks fit to call the charity of the kings of England a tribute, and from thence infers the right of pope Gregory to the fealty of the king⁵.

² Ibid. p. 126.

³ ["The madman of Athens" was probably Thrasyllus of Aixone, who lived for some time in enjoyment of the fancy that all the merchantmen that entered the port of Piræus were his own. Athenæi Deipnos. XII,

81; Ælian. Var. Hist. IV, 25.]

⁴ Alexand. Epist. 8, Concil. Labbe IX, 1122, 1123, [Mansi XIX, 949.]

⁵ Lanfr. Oper. p. 347. [On this subject see before, I, xiii, 10, 11.]

William I. But, by whatever measures such men may conduct their reasonings, the king's understanding lay another way: therefore, 1076. in the answer he returned to him, he told Gregory that his predecessors had never given any oath of fidelity to the bishops of Rome, that he had never promised any such thing, and would never pay any fealty to him; but, his stay in Normandy for near three years having occasioned some neglect in collecting the money which his predecessors used to send to Rome, the king promised that the said neglect should be remedied, and the money gathered and sent⁶.

17. The spirit and designs of pope Gregory make it easy to judge how the aforesaid wise and resolute answer of the king of England was received at Rome. And Gregory did not fail to show his resentment in such manner as might be expected from him; for imagining that Lanfranc was not hearty in his interest, and that the mortification which he had met with was in some measure owing to the coldness of that prelate, he did not content himself to reproach him with forgetting his obligations to the holy see¹, but summoned him to Rome. And, this not succeeding, he sent him a second monition, requiring that laying aside all excuses he should not fail to come to Rome in four months' time². But this was to as little purpose as his former summons; for Lanfranc excused himself by telling him, that the king would not permit him to stir out of England, and that by the laws thereof no man could go out of England without the leave of the king³. This excuse, instead of mending, made the matter worse; for to allege the municipal law of a country or the will of a prince in bar to an authority by divine right was such a shock to all the new schemes of Gregory, as was not to be supported with any degree of temper or patience: and the character of Lanfranc, and the reputation the world had

⁶ Lanfr. Epist. 7.

¹ Lanfr. Epist. 8. [Lanfranc's letters are all without date. This one appears to be in reply to Gregor. Epist. VI, 30, dated 25 March 1079, which Inett cites in the next note but one.]

² Gregor. Epist. IX, 20 [without date], Concil. Labbe X, 290, [Mansi XX, 355.]

³ Ibid. VI, 30. [It does not appear that Lanfranc himself made these statements to the pope: but we learn from Gregor. Epist. VII, 1, to his legate Hubert, dated 23 September 1079, that William positively refused to allow any of the English archbishops or bishops to go to Rome, or at any rate to attend Gregory's synods there.]

received of his learning and abilities, as they did in proportion William I.
lessen the pretensions of Gregory, so they rendered the af- 1076.
front still more insupportable.

But after all Lanfranc stood his ground, and acted as one who believed it his duty to obey his prince ; and, unless it was to the consecrating of a church in Normandy, never went out of England. The king was no less steady in defending the rights of the church and the crown, and not only supported Lanfranc in the discharge of his duty, but, without any regard to the new maxims of Gregory, took such measures in the affairs of the church and religion as he with the advice of his bishops and nobility thought most convenient.

However Gregory was not wanting to his own designs : sometime he pretended the most passionate affection for the person and honour of the king, and hoped to gain upon him by flattery⁴ ; at other times he waved the rod over his head, exhorted him to his duty to the holy Roman church, and magnified the power which, as he pretended, God had given him to correct, as well as to admonish, kings. Nor did he omit to tell that prince that, next under God, the royal dignity was under the care of the apostolic see ; and, the better to humble the king, tells him that the two great powers by which God designed to govern the world were the sacerdotal and the royal, of which the former resembled the sun, as the latter did the moon⁵. But when all this eloquence was lost upon the king, and he was satisfied the secret was in good hands, pope Gregory then spoke his heart, and inveighed against the king in terms so extravagant, as show his passions were all of a size, and not one of them governed by the common measures which bound the affections of other men. Therefore in an epistle to his legate Hubert, about two years after he had received the aforesaid mortifying answer from the king, he thus vents his passion against him : that whilst he was denied the honour due to the holy chair he had no regard for his money ; that of all the kings of the earth, pagan kings not excepted, no one ever attempted that against the apostolic see which he does not blush to do. Who was ever so impudent and irreverent, as to forbid the archbishops and

⁴ Greg. Epist. VII, 23, [dated
24 April 1080.]

⁵ Ibid. 25, [dated 8 May 1080.]

William I. bishops to visit Rome? And if he did not give over these and
 1076. the like practices, he should be made sensible that he had provoked the anger of St. Peter⁶. And, that that prince might not be long to seek what was meant by the anger of St. Peter, in November 1078 Gregory held a council at Rome, wherein it was decreed that no clergyman should receive investiture to a bishopric, abbey, or church from the hands of the emperor or kings or any other lay person⁷.

CHAPTER III.

AB ANNO 1079 AD ANNUM 1086.

1. Pope Gregory endeavours to secure the friendship of the king. He summons a council to meet at Rome; changes canonical profession of bishops to an oath of fealty; takes pattern from the feudal law; forces this oath on the archbishop of Aquileia.

2. The bishops of Italy, France, and Germany oppose the usurpation of pope Gregory. Vassalage of the western church begun by that prelate. Kings and bishops of England maintain the rights of the church and kingdom of England, and keep out the usurpation of pope Gregory.

3. King William applies himself to bring England to the model of Normandy; reduces the revenues thereof to baronies and knights' fees: the changes occasioned hereby. The state of church revenues under the ancient English government.

4. Clergy and religious are uneasy under the change in their tenures. Pope Gregory complains of the contempt of his authority by archbishop Lanfranc; summons him to Rome; but in vain. The Norman bishops despise his authority. The king defends them in their contempt, and forces the pope's legate to withdraw his censures.

5. The king imprisons the bishop of Bayeux. Pope Gregory petitions for his release; but in vain. The abbot and monks of Glastonbury quarrel: some monks killed in that dispute.

6. The occasion of those disputes. The controversy betwixt the secular clergy and religious begins.

7. The occasion of the aforesaid controversy.

8. Pope Gregory in vain pretends to authority in England. Lanfranc begins exempt jurisdictions out of his diocese.

9. Exempt jurisdictions contrary to the ancient canons: the ill effects thereof. Ecclesiastic courts separated from the civil: consequence thereof.

10. The law which occasioned that separation. The ancient authority of princes in matters ecclesiastical; of the kings of England in particular.

11. The laws and proceedings of the ancient English kings in affairs of religion.

⁶ Ibid. VII, 1, [dated 23 September 1079.]

[xxvi: Concil. Labbe X, 372, Mansi XX, 509, can. 2.]

⁷ Baron. Annal. an. 1078, xix,

12. Reasons of the changes introduced by the king. He separates the ecclesiastical from civil courts by a law.

13. Changes in the course of civil justice occasioned thereby. Mr. Selden's opinions of that law.

14. Some reflections on the form of the aforesaid law, and on the ancient methods of promulging laws.

15. Dioceses divided into archdeaconries and deaneries : the occasion thereof. Difference betwixt the state of the ancient and present English church in those particulars.

16. The opinion of bishop Stillingfleet of the change in the outward administration of the church. Chorepiscopi not ancient in the English church. The time and reason of introducing them.

17. Some reflections on the aforesaid changes and the occasion thereof. Council of Winchester requires the division of dioceses into archdeaconries. Dioceses divided accordingly.

18. Gregory the Seventh dies : some reflections on his conduct. King convenes the bishops and nobility to meet at Salisbury ; quarters his soldiers on the monasteries. The monks blacken his memory.

19. State of affairs abroad. The Hildebrandine faction broken by the emperor.

1. **POPE** Gregory exceedingly resented the conduct of William I. the king ; yet his interest made it necessary not to break with him, but to try, if it were possible, to gain his ends by time and patience. Therefore in the aforesaid epistle he gives fresh instructions to his legate to give a new monition to the archbishops and bishops of England and Normandy to send two bishops out of every archbishopric to the council which he designed to hold at Rome in the Lent following¹. In pursuance of this summons a great number of the western bishops met at the time and place appointed : and this assembly seems to carry the appearance of a patriarchal council ; but we do not find so much as one English or Norman bishop present, or so much as any excuse made for their neglect. And yet one would think that Lanfranc, an Italian by birth, could not have been ignorant of the rights of the patriarch of Rome, or of the bounds of that patriarchate ; or that the English or Norman bishops could possibly have been so negligent of their duty as to despise the summons, if they had ever acknowledged the patriarchal power of the bishops of Rome, and much less, if a supremacy by a divine right had been any part of the received doctrine of those churches. If we add to this, that pope Gregory had but a little before

1079.

1080.

¹ Greg. Epist. VII, 1, [dated 23 September 1079.]

William I. broached the doctrine of the papal supremacy, and called this
1080. council on purpose to gain a recognition of the claims which he had so lately advanced; that the bishops of England acted by the advice of the king, and grounded their contempt of his authority on the law of England; their refusal to attend this council could be interpreted no otherwise by the western churches but as a public and authentic remonstrance of the English church and nation against the pretensions of the court of Rome: which puts it out of doubt that neither the divine nor patriarchal power of the bishops of Rome were at this time owned by the English or Norman church and nation.

However, pope Gregory put a good face upon this matter, and notwithstanding this rough and open shock of his authority he appeared at the head of the aforesaid assembly. What work he had for them to do, or rather what treatment they were to expect there, the case of the new archbishop of Aquileia and the proceedings of that council do sufficiently explain.

The better to preserve that subordination which was necessary to the good order and government of the church, it had been the general practice of the church for bishops at their consecration to make a promise or profession of canonical obedience to their metropolitans; the like was done by metropolitans to their primates; and in those parts of Christendom where the patriarchal power was received the primates made the like professions to them. But the general usage and the canons of the church had so far explained this practice, as to put it beyond a doubt that nothing more was intended by it but such measures of obedience as were necessary to the discipline and good government of the church; and the canons had put this obedience within such bounds as would no way serve the purposes of pope Gregory. Therefore Gregory, having formed a design to overturn the ancient government of the Christian church, and raise himself and his successors in the see of Rome to the state of monarchs, did about this time change the ancient form of professions to an oath of fidelity; and the archbishop of Aquileia had the misfortune to be the first who took this new badge of vassalage upon him.

Gregory pretended to found this monarchy on the authority that Christ had given to his church; yet his claiming England and Spain as fees of the papacy, and indeed his whole conduct, show plainly that his heart was set upon a monarchy of another kind. Accordingly the oath which he imposed upon the bishops was taken from the feudal law, and was much the same with those which the emperor and kings usually imposed on their feudatories and vassals: for in that oath he forced upon the archbishop of Aquileia he obliged him to swear, that from that time forward he would be faithful to St. Peter and pope Gregory and his successors; that he would neither advise nor assist in taking away the life, dismembering, deposing, or imprisoning the pope; that he would come to his synods when summoned by his nuncios or letters, and be obedient to the canons thereof²; that, so far as was consistent with his order, he would defend and assist in maintaining the Roman papacy and the regalia of St. Peter; that he would not disclose the counsels of the bishops of Rome to their prejudice, whether committed to him by themselves or their legates; that he would be assistant to their legates, going from or returning to Rome; that he would not knowingly communicate with those who were by name excommunicated by the bishops of Rome; and that when he was called thereto he would by a military force assist the church of Rome³.

William I.
1080.

2. But, as Baronius well observes, whilst this prelate engaged himself entirely in the interest of the papacy, others, and those of the Italian as well as French and German bishops, did oppose the novelty and usurpation. And they were treated accordingly: for in this council the archbishop of Narbon in France, the archbishop of Milan, and a great many other bishops of Italy, and their clergy and people, were excommunicated¹; to say nothing of the German bishops,

² ["*Canonicæ obediæ*", render canonical obedience.]

³ Baron. *Annal.* an. 1079, xi. [Concil. Labbe X, 379, Mansi XX, 525. A copy of this oath, slightly altered but substantially the same, as it was taken by John Stratford archbishop of Canterbury on receiv-

ing his pall in 1334, is given in *Angl. Sacr.* I, 372.]

¹ Baron. *ibid.* [The excommunication of the archbishops of Narbonne and Milan was renewed, not denounced for the first time, in this council.]

William I. who, except three or four, were generally excommunicated
 1080. or deposed for adhering to the emperor; or of the great number of the French bishops excommunicated or deposed by Gregory the preceding year². These proceedings, added to what Baronius styles the dictates of pope Gregory and the privileges of the apostolic see, filled all Christendom with horror and amazement, and have given just occasion to some of the most learned men of the Roman communion, and who wanted no veneration for the just rights and authority of the bishops of Rome, to date the vassalage of the western church from the papacy of Gregory the Seventh³. The truth is, God seems to have raised this prelate for a judgment upon Christendom, and in him has given us such an original of ambition as the world never heard of before. But having said all this to give the reader such an idea of the state of the church abroad as may enable him to judge truly of our affairs at home, it will be time to return, and to observe what course they steered who conducted the interests of the English church, whilst a great part of Christendom was set into a flame by the designs of pope Gregory.

The intended usurpations of that prelate were by this time become so public that it was impossible to overlook them; especially for the king of England, who understood his rights and the measures of his authority well, and wanted no conduct or resolution to support them. And he was happy in a set of bishops who thought the laws of England the measures of conscience in matters of civil obedience; and more especially this was the case of Lanfranc archbishop of Canterbury, who seems to have been equally careful of the dignity of the crown and of the rights and honour of the English church. And therefore, though the king and his bishops agreed to carry fair with pope Gregory, they also concerted measures to keep him at a distance, and not to suffer him to break in upon them, but to make use of their

² [In 1077 and 1078 many of the French archbishops and bishops were condemned and suspended by Hugh bishop of Die, the pope's legate, chiefly because they would not acknowledge his authority by

attending his synods: but nearly all of them were restored by Gregory himself at Rome. Du Pin, Eccles. Hist. Cent. XI, pp. 57, 58.]

³ [See before, II, ii, 10, especially note 1.]

own power in the settling and governing of the English church without giving him any share thereof. William I.
1080.

3. The king, who by the experience of a long reign had settled the affairs of the church of Normandy to his own contentment, seems to have intended from the beginning of his reign to bring the English church to the same model; and finding that a general division of his country into baronies and knights' fees did both ascertain his forces and his revenues, and secure the dependence of the clergy and religious upon the crown, he applied himself to pursue the same methods in England, and reduced all the lands, as well those of the clergy as of the laity, to the common tenures in Normandy of knights' fees and baronage. When this undertaking was begun, is uncertain: but it seems probable that it was never finally settled till the king had perfected the survey of England, which was not till the latter end of his reign¹; and that the ascertaining his military force, the revenues of the crown, and the dependence of the bishops, the clergy, and religious, were the things he principally aimed at in that survey². But, whenever this was done, it is agreed on all hands that the king took his pattern from Normandy³, and reduced the lands as well of the clergy and religious as of the laity under this establishment. The bishops and abbots had by this establishment many personal services charged upon them, especially to attend the great councils of the king; and their lands were in proportion charged to the finding of soldiers.

This new regulation gave great offence to the clergy, who under the Saxon government, if our historians are not generally mistaken, held their lands in frank almonage, or

¹ [See below, § 18, note 2.]

² [On the motives for the survey see sir Henry Ellis' General Introduction to Domesday Book I, § 3.]

³ [This cannot be said to be "agreed on all hands": for "Lord Coke, the Judges of Ireland in the case of Tenures, Mr. Selden, Nathaniel Bacon, and others, were of opinion, that tenures were not brought into England by the Conqueror, but that they were common among the Saxons; and the internal evidence of Domesday itself bears

no reference whatever to any simultaneous surrender of former tenures and re-grant of the same as feudal." Sir H. Ellis, *ibid.* pp. 17. 18. So too sir William Temple (cited by Inett himself in the next section) at p. 172. The origin of feudal service among the Anglo-Saxons, and indeed among the Teutonic nations generally, is shown by Kemble, *Saxons in England*, Book I, Chap. vii. See Hallam's remarks on this subject, *Middle Ages*, Chap. VII, Part I, the last ten pages.]

William I. discharged from secular services. But though there is great
 1080. reason to think that an arbitrary power was a thing unknown to the ancient English government, and that the clergy were distinguished by a more particular gentleness, yet it must be owned that, in almost all the grants of lands to the religious which are now remaining and which can be relied upon, their lands, though freed from other secular services, were subjected to pontage, murage, and the expeditions of the king⁴. And if in some of the charters in Ingulphus the lands of the monastery of Crowland are said to be discharged from all secular services, yet in the tribute paid in the war with the Danes they had so great a share, that the same writer saith, that the burdens laid on the monastery of Crowland by king Ethelred and his ministers were such as were insupportable, and that that monastery paid at one time to king Ethelred two hundred marks and to his military officers two hundred more⁵, and at another time in the same reign two hundred pound toward the charge of setting out a fleet⁶.

4. However the clergy and religious sped under the ancient English government, the king made their lands subject to military service, and they were very uneasy under it: and if the authority of a late ingenious writer, who saith that prince found the clergy of England in possession of above a third part of the lands¹, may be relied upon, the reasons on the

⁴ [Tenure "in elemosina", that is, in frankalmoigne, frequently occurs in Domesday. "This is the tenure by which the ancient monasteries and religious houses held the larger portion of their lands. The high and exalted nature of the service which they rendered discharged them from all secular burdens but that of the *trinoda necessitas*, of repairing the bridges, building castles, and repelling invasions. They prayed for the soul of the donor and his heirs." Sir H. Ellis, *ibid.* II, § 5, p. 258. Mr. Kemble also speaks of "the inevitable charges from which no land was ever relieved" among the Saxons, "namely military service" and "the repair of roads, bridges, and fortifi-

cations"; and again of "the three services which were inevitably incident to all landed possession, and which are consequently known by the names of *Communis labor*, *Generalis incommoditas*, *Onus inevitabile*, *Trinoda necessitas*, and similar expressions." Saxons in England, Book I, chap. xi, pp. 293, 301. The Northumbrian cases of exemption, which he mentions at pp. 302, 303, are so few that they need not be taken into account.]

⁵ Ingulph. an. 1005, p. 56. [Ingulf says these payments were made for four years successively.]

⁶ *Ibid.*

¹ Sir. W. Temple, *Introd. Hist. Engl.* pp. 175, 176, ed. 1695. [See below, xii, 19.]

side of the king will bear proportion to their complaints, and the necessities of the state will sufficiently answer for his conduct. William I. 1080.

This change, as it gave the government a greater tie both on the persons and estates of the clergy, so it lay cross to the schemes which pope Gregory had formed, and was doubtless resented at Rome. And it is not unlikely but that Gregory, not being in a capacity to show the king his resentment, took this occasion to mortify his great minister archbishop Lanfranc: for in this year he sent him a letter full of reproach, in which he tells him, that, although he had been frequently invited to Rome upon matters importing the Christian faith, yet it was evident that either out of pride or negligence he had still abused his patience; that the fatigue of the journey ought to be no excuse, and that he had not so much as pretended any canonical impediment; and that if he did not come thither before the feast of All Saints next ensuing, but continued in his contempt, he would suspend him from his office². But an ill grounded and impotent rage, if it have any effect at all, it usually operates the wrong way, and serves only to lessen the man who misplaceth it. And it is very evident this was the case: for if the menaces of that prelate had any effect upon Lanfranc, it was such as took off from the character and opinion which he had formerly had of pope Gregory; and if he gave any answer to it, it was rather to justify than to excuse his conduct³; but he did not give that haughty prelate so much as the hopes of a future obedience. 1082.

The truth is, pope Gregory had ever such ill success in his attempts on the king of England as might have cooled any one but a man made up of ambition and fire; for he sped no better in Normandy than he had done in England. His legate Hugh, bishop of Dia⁴, pretended to convene the Norman bishops to a council, but they despised his authority, and refused to come; and therefore the legate presently suspended all of them, except the archbishop of Rouen. But Gregory,

² Baron. Annal. an. 1081, xxviii. [This is Gregor. Epist. IX, 20, without date. It has been already cited in II, ii, 17, note 2.]

³ Lanfr. Epist. 8. [See before,

II, ii, 17, note 1.]

⁴ [Dia, or Dea Vocontiorum, now Die in Dauphiné, within the archiepiscopal province of Vienne. The see was suppressed in 1801.]

William I. well knowing whom he had to deal with, and that the king of
 1082. England resented this proceeding, immediately sent orders to his legate to take off the suspension; and without waiting for their submission the bishops were restored again: and, lest at any other time the legate should fall into the same snare, Gregory directed that for the time to come he should do nothing that might any way exasperate the king of England without his particular orders⁵. Nor was this the only mortification he met with in Normandy: for William, advanced to the archbishopric of Rouen, immediately after his consecration applied himself to the offices of his function, and took so little notice of pope Gregory, that in one of his epistles Gregory says that he was not confirmed by him⁶; and in another, that he had not applied to him for a pall, and that he and the bishops of Normandy contemned the synods of his legates, and that he had not seen the face of one Norman bishop at Rome since his advancement to the papacy⁷.

5. Whilst his clergy thus acted, as if they did not believe that the bishop of Rome had power to depose bishops though absent, and without a synod, according to the new doctrine of Gregory¹; and indeed as if they had never owned the patriarchal, much less the power by divine right which that prelate pretended to; the king seemed to be as little sensible of his power to depose princes, and still kept on his pace, and, without distinguishing persons, made use of his power where justice and wisdom or reason of state called for it. And having grounds enough to suspect the intrigues of Odo bishop of Bayeux in Normandy, the king caused him to be arrested this year as he was preparing to retire out of England. This prelate was his half brother, and came into England with him, where he had possessed the greatest places both of profit and

⁵ Gregor. Epist. IX, 5, Concil. Labbe X, 280, [Mansi XX, 345.]

⁶ ["Audivimus etiam Rothomagensis archiepiscopus sacerdotis filium esse. Quod si verum deprehenditur, noveris promotioni illius nos assensum nequaquam tribuere."] Gregor. Epist. VII, 1, [dated 23 September 1079. John archbishop of Rouen, the immediate predecessor of William, died 9 September 1079.

Ord. Vital. V, p. 551 C ed. Du Chesne, vol. II, p. 313, ed. Le Prevost.]

⁷ Gregor. Epist. IX, 1.

¹ ["Quod ille solus possit deponere episcopos vel reconciliare" is the third assertion in the Dictatus Papæ cited in § 10 of the last chapter from] Concil. Labbe X, 110, [Mansi XX, 168.]

trust²; but partly by the complaints of those who had suffered under his oppressions, and partly by the suspicion the king had conceived of his being in the interest of his enemies in Normandy, he fell under the king's displeasure, who seizing upon him sent him to prison. The year following Gregory bishop of Rome wrote to the king in his favour, and in a letter filled with fulsome flattery petitioned the king for his release³: but all in vain; for the king continued his confinement till a few days before his own death, when he consented to his release⁴; but this was about six years after the first confinement of that prelate. So little was this prince and this age acquainted with the supremacy of the bishops of Rome, or with the exemption of the clergy from the secular power⁵.

William I.
1082.

The king's English subjects had given him such marks of their courage and fidelity in his late wars in Normandy, whilst the Normans by a revolt or two to his son Robert had given him such proofs of their fickleness and inconstancy, that towards his latter end his partiality and affection to his countrymen wore off, and the English did in proportion get ground in his esteem and favour. And this occasioned a mutual confidence betwixt the king and his English subjects: but his people did not fall into the same measures amongst themselves, but still retained the envy and animosities that difference of country is very apt to produce. And whether it was that they were worse used, or less able to bear up against the hardships they underwent, the English monks complained most; and the misunderstanding betwixt them and the Norman abbots ran so very high, that this year a sort of war broke out betwixt the abbot of Glastonbury and his monks, which was carried to such a height that they came to blows in their church, wherein three of the monks were killed upon the place and eighteen wounded⁶.

1083.

² [In particular, when William returned to Normandy in 1067, Odo was specially entrusted with the care of Dover Castle and of the Kentish coast, and with the government of the whole county.]

³ Gregor. Epist. XI, 2 [without date], Concil. Labbe X. 305, [Mansi XX, 373.]

⁴ Chron. [Walt. De Hemingburgh,

vulgo] Hemingford, an. 1087, I, xi, p. 461 coll. Gale, [vol. I, p. 18, ed. Hamilton.]

⁵ [William is said to have exclaimed, when seizing his brother, that he was making a prisoner, not of the bishop of Bayeux, but of the earl of Kent. Malmesb. Reg. III, § 277 ed. Hardy.]

⁶ Sax. Chron. an. 1083.

William I. 6. Amongst the causes of this new sort of war, one of the
 1083. chief was the zeal of Thurstan the abbot to introduce the Norman service, or rather the way of singing begun by William a monk of Feschamp, and to thrust out that of Gregory the Great, which had before been commonly used by the English monks¹. But, where this was not thought of, the outrages on the score of a difference of country were such, that when a Norman abbot was sent to Peterborough he came with a guard of a hundred and sixty men; and, because the monks had no hopes of keeping him out by force, they themselves seized all the wealth and the ornaments of the abbey, and chose rather to see it rifled and despoiled, and to take the guilt thereof upon themselves, than to see it rich and flourishing under the government of a Norman². And this seems to be the bottom of that quarrel which not long after happened at Canterbury, when all the power and address of Lanfranc could not oblige the monks to receive Wido for their abbot, nor scarce keep them from laying violent hands upon him, till by expelling some and imprisoning others they were at last forced to receive him³.

Much greater and more lasting, and of more important

¹ Malmesb. de Antiq. Glaston. Eccles. p. 331 coll. Gale, [p. 114 ed. Hearne.]

² Sax. Chron. an. 1070. [According to the Chronicle the opposition to abbot Thorold was not made by the monks of Peterborough, but by the Anglo-Saxon chieftain Hereward, who maintained himself so long and so successfully against the forces of the Conqueror. The monks acted with the sanction of their new abbot, and were only endeavouring to save the property of their house from being plundered by Hereward; and it was against Hereward and his followers and the Danes who had just landed to aid him that Thorold brought his guard of a hundred and sixty soldiers.]

³ Ibid. p. 179 [ed. Gibson, who inserts, between the years 1070 and 1071 of the Saxon Chronicle, a short chronicle or narrative, written in Latin and composed as annals, of the acts of archbishop Lanfranc, which was first published by Wheloc, at the end

of his edition of the Saxon Chronicle, from the C.C.C.C. MS. of the Chronicle formerly belonging to Christ Church, Canterbury. That MS. ends with the year 1070, and is followed immediately by this narrative of the Gesta Lanfranci.]

Wido became abbot of St. Augustin's at Canterbury in the latter part of the year 1087. But the account of his election given by Thorne, himself a monk of that monastery, is entirely at variance with that which Inett has followed. Thorne says that Lanfranc tried to usurp the appointment and to make one of his own monks at Christ Church abbot of St. Augustin's, but that the Augustinians resisted him successfully and elected Wydo, one of their own number, to be their abbot. Chron. Thorne int. X Scriptor. ed. Twysden, 1792, 1793. To print the two narratives here in parallel columns would lengthen this note unwarrantably, but would furnish a curious illustration of monastic rivalry and jealousy.]

concern to the church, was that controversy begun by the religious about this time, to exempt themselves from the authority of their bishops, or for enlarging their privileges, as they thought fit to call it. But one who looks back and observes how directly contrary to all the canons and usages of the ancient church this pretence to an exemption from the authority of their bishops appears to be, and what ill consequences this dispute drew after it, will be very apt to give hard names to this pretence of the religious. To say nothing of those instances which lie more remote, and which gave no trouble to the ancient English church, it was the vanity of founders, who valued themselves by the favours they procured for the monasteries which they founded, the ambition of the monastics, which led them to affect a sort of independency, and the designs the court of Rome had to serve by breaking the ancient discipline of the church, which were the chief causes that gave beginning to this unhappy controversy betwixt the clergy and the monastics.

7. Beside these general reasons which every where animated and conducted this dispute, the king's indiscreet zeal in the privileges which he granted to Battle Abbey had too much influence, and helped forward the ill consequences which this controversy did in time produce in England. The king having gained a victory over Harold and the English army near Hastings in Sussex, at once to show his gratitude to God and to raise a lasting monument to his own honour, built a monastery, which from the occasion thereof was called Battle Abbey, near the place where he obtained his victory. And, that he might do something extraordinary, he exempted it from the jurisdiction of the bishop of the diocese, erected the abbey into a free chapel, and the precincts thereof to a sort of palatinate, wherein the abbot was at once a prince and a bishop, and trusted with all the secular as well as the ecclesiastic power¹. And though this is said to have been done with the consent of the archbishop of Canterbury and the bishop of Chichester, and the advice of his bishops

¹ [Cart. Reg. Guil. I, ap.] Selden. in Rymer's *Fœdera* I, 4, ed. 1816.
ad Eadmer. Hist. Nov. p. 165. [This It was made in 1087, the last year of
charter is printed, with a fac-simile, William's reign.]

William I.
1083.

William I. and barons, yet the charter seems to have the air of a power
1083. which was under no restraint but the pleasure of the prince.

But strains in the political, as is usual in the natural, body commonly leave a weakness behind, which some time or other is remembered with sorrow. Whilst the king was thus making an ill precedent on the one side, Alexander the Second, bishop of Rome², took upon him to ordain the abbot of St. Edmundsbury in Suffolk, and to receive that monastery into the protection of the see of Rome, that is, to exempt it from the authority of the bishop of the diocese. The king was too great to bear any opposition: therefore for the present the exemption he had granted passed unquestioned. But this was not the case of the bishops of Rome: for, though a plan was made, and trains were laid, for their future greatness, yet the bishops of England did hitherto govern themselves by the canons, which had subjected monasteries to the authority of their proper diocesans. Therefore, notwithstanding the aforesaid pretended privilege, Erfastus bishop of Chichester³ visited the monastery of St. Edmundsbury, and excommunicated such of the clergy belonging thereunto as refused to submit to his authority; and by this exercise of his jurisdiction over them gave them reason to believe he knew of no foreign authority sufficient to exempt them from their proper ordinary.

8. Pope Gregory presently took fire, and with haughtiness and insolence peculiar to that prelate wrote to archbishop Lanfranc, and tells him he wonders with what face he could suffer the bishop of Chichester¹ to contemn the authority of the Roman church, when, as he well knew, the bishops thereof had an authority from God, without license from the proper diocesan, to ordain whom they would. Notwithstanding the mighty assurance with which that prelate advanced this new doctrine, he could not help distrusting of his power, and easily foresaw that his menaces would signify no more in England than the decrees of his predecessor had done before: therefore, after he had spent his anger, he betrayed the power

² [Pope Alexander II died April 21, 1073.] should read "Elmham". See before, II, i, 11, note 1.]

³ [For "Chichester" here we ¹ [See the last note.]

which he had pretended to derive from God, and meanly William I. stooped to intreaties, and begged of Lanfranc that he would 1083. recommend this affair to the king² and by the king's commands put a stop to it. And it seems probable that at the instance of Lanfranc the king interposed his authority, and that this matter was referred to Lanfranc, and quieted for a while³: but it broke out afterwards, and gave a great deal of trouble to the succeeding age; where we shall meet with it again, and therefore we shall leave it for the present⁴.

In tracing out the beginnings of an usage which in time made such a breach in the discipline and government of the church, I must not omit another particular, which did too much contribute towards it; and this was a pretence set afoot by Lanfranc, that those churches which did belong to the patronage of the see of Canterbury were exempted from the jurisdiction of the bishop in whose diocese they lay, and ought to be subject to the archbishop only. This is said to have been occasioned by the oppressions and exactions of the archdeacons of the diocese of Chichester; but the archbishop extended it further, and by a general prohibition obliged all the clergy under the patronage of the see of Canterbury not to appear at the synods of the bishops in whose diocese they were, and, except in the case of receiving chrism from the mother church⁵, no way to own the authority of the bishop of the diocese⁶. Lanfranc pretends this to have been an ancient privilege of his see: but it seems most likely that he was misinformed, and that he made an example rather than followed that of his predecessors, and that his example was of ill consequence.

9. Whenever it begun, the establishing of peculiars or exempt jurisdictions (as they came in time to be called) was a

² Lanfr. Epist. 20; [Gregor. Epist. I, 31, dated 20 November 1073.]

³ [See Lanfr. Epist. 19.]

⁴ [See below, xi, 10, 16, 17.]

⁵ [The use of chrism after baptism, as an emblem of the unction of the Holy Ghost, seems to have come into use in the third century. In some churches it was given by none but bishops; in others it was administered partially or entirely by presbyters. But the power to consecrate

or make chrism, "conficere chrisma", was reserved exclusively to the bishop every where, so that the use of it was in all cases derived from his authority; and the clergy were required to resort to their diocesan every year a little before Easter for a renewal of their holy oil. See Bingham, Orig. Eccles. XII, ii, 1, 2; iii, 2.]

⁶ Lanfr. Epist. 27.

William I. direct outrage to the canons and usages of the ancient church,
 1083. which ever extended the power of the diocesan as far as his diocese; whereas this usage was such a shock to the pretence of the apostolic right of bishops to govern their own dioceses, as furnished the religious with arguments the secular clergy knew not how to resist, and in time introduced so many exemptions, as relaxed the order and broke the discipline and government of the church, and occasioned confusion and every mischief. But having touched on this matter, it will be time to return to an affair which had a more immediate and visible effect on the church.

Amongst other changes occasioned by the Norman revolution, there was none greater, or that better deserved to be carefully remembered, than the changes in the administration of the government. And yet, though the matter of fact clears itself, and it is on all hands agreed that the administration as well in the church as state was altered under the reign of this prince, the accounts we have thereof are very dark and uncertain. There is indeed a law still remaining, by which king William separated the ecclesiastical from the civil courts¹: and there is no doubt to be made that this occasioned great changes in the civil courts; and probably by drawing business from the county and hundred courts gave beginning to the courts of King's Bench, Exchequer, and Common Pleas², or at least did in time give them a direct cognizance of those things which before came to them only by appeals. But though so great a change does depend upon it, there is not light enough to determine when this law was made. The
 1085. learned collector of the Councils fixes it in the year 1085, and founds his opinion on what M. Paris saith of Remigius his being made bishop of Dorchester and removing his see to Lincoln³.

¹ [Concil. Britan. cited in note 3 on this section; *Leges Anglo-Saxon.* ed. Wilkins p. 230; *Fœdera*, ed. 1816, I, 3; *Thorpe's Ancient Laws and Institutes of England* p. 213.]

² [On the separation of ecclesiastical from civil causes and on the origin of the existing superior courts of common law see *Stephen's Commentaries* Book V, Ch. iv, v, Vol. III, pp. 397-406, 427-430, ed. 1.]

³ [Concil. Britan. *Spelman* II, 15,

Wilkins I, 369, citing *Matth. Paris.* an. 1085, who however does not say that the removal to Lincoln was in that year. On the other hand the law itself, though directed to the diocese of bishop Remigius, does not specify his see, being addressed to the earls, sheriffs, and landholders "in episcopatu Remegii episcopi". See below in this chapter, § 13, notes 2 and 3.]

10. This law, or at least a copy of it, was directed to the diocese of Remigius bishop of Lincoln; and M. Paris says that prelate removed his see thither in the year 1085: but it is very evident from all the remaining copies of the charter by which the see of Dorchester was removed to Lincoln, that that see was removed during the pontificate of pope Alexander¹, who died in the beginning of the year 1073. And our historians generally agree, that Remigius bishop of Lincoln went to Rome with Lanfranc archbishop of Canterbury the year preceding²; and consequently the directing of the copy of the aforesaid law to Remigius under the character of bishop of Lincoln will not amount to a proof that that law was not made till the year 1085. But though the conjecture of that learned writer is founded on a mistake of M. Paris, and is not to be allowed, yet I cannot but fall into his opinion, that this law was made towards the latter end of this prince's reign. But, to make a true judgment of this particular and the consequences thereof, it will be requisite to look backward, and observe the course of justice under the ancient English monarchy.

Whilst the gospel had its due influence on the minds of men, and the authority of Christ was employed to serve no other ends but those of peace and holiness, kings appeared at the head of councils, and civil sanctions enforced obedience thereunto; and princes were so far from invading the authority of the church, that they supported and enlarged it, and the united powers of church and state conducted the common interests of religion. The histories of the first ages, and the imperial laws, give us so many proofs of this kind abroad as put this matter beyond a doubt. And this was our case at home: and if Christianity did not shine so bright amongst our ancestors as might be wished for, or wanted any

¹ [The charter by which the Conqueror removed the see begins thus. "W. rex Anglorum T. vicecomiti omnibusque vicecomitibus episcopatus Remigii episcopi salutem. Sciat is me transtulisse sedem episcopatus Remigii Dorchacestre in Lincolniam civitatem auctoritate et consilio Alexandri papæ et legatorum ejus." And the charter of confirmation granted by William Rufus in

1090 states that the removal was made "consensu et auctoritate domini Alexandri qui sanctæ Romanæ ecclesiæ tunc vigili præsidebat cura et legatorum ejus quos ob hoc stabilendum huc præcipue misit."] Registrum Magnum penes Decan. et Capit. Lincoln. fol. 1 a; [Remigii Chronicon penes eosdem fol. 1 a, b.]

² [Rather, in 1071. See before, II, ii, 1.]

William I. assistance from the secular powers, it was the fault of the
 1085. times rather than of the men. For the same courts determined of civil rights and directed the consciences of the subject; and from the first settlement of Christianity amongst the English the ecclesiastical and civil power so mutually assisted each other, that the conjunction of those powers appears as ancient as the first footsteps we have of the English government.

11. But it is no wonder if we are to seek for the particulars of this conjunction, or the steps by which this course was changed, and the ecclesiastical and civil courts separated from one another, when the great lines of our ancient government are yet so much in the dark, and the notions of men so very different in this article that they are not agreed where the legislature itself was lodged, and the affairs of the church were so much of a piece with those of the state under the heptarchy and before the division of England into counties and hundreds by king Alfred¹: only in general it appears that at the time of the council of Calcuith about the year 786 the bishops and secular judges sat together in the same court². But after the said division of England by king Alfred, and the erecting of the county and hundred courts, we are no longer to seek for the course of justice, or by whom it was administered. For, the laity being generally engaged either in war against the Danes or one with another, the conduct of law, as well as of religion, was in a great measure put into the hands of the clergy; amongst whom the bishops were the oracles to the king and the commonwealth, as the lower clergy were to the common people³. As for the bishops, they were not only called to assist in the great councils of state, but in the county courts together with the earl or alderman, in the court called the sheriff's turn, and in the hundred courts with the lords thereof⁴, by themselves or by their deputies.

As the authority of the church and state went hand in

¹ [See before, I, xvii, 9, notes 1, 2.]

² [Concil. Calchuth. an. 787, cap. x, Concil. Britan. Spelman I, 295, Wilkins I, 148. It does not appear from the records of this council that "bishops and secular judges sat together in the same court", but that bishops in their synods acted as

judges in secular matters. See Inett's own account before, I, xii, 12.]

³ Concil. Britan. Spelman I, Præf. p. v.

⁴ Ibid. [See Kemble's Saxons in England, Book II, Chap. viii, pp. 383-394.]

hand under our Saxon ancestors, so the laws of those ages every where appear fitted to this establishment. In those of William I.
1085. Æthelstan we have some footsteps of it⁵. The like in the laws of Edgar, where, in case of non-payment of tithes, the justice of the king and the deputies of the bishops are to do right to the church, and the penalty on the offender is to be divided betwixt the lord of the soil and the bishop⁶. And in the laws of Canutus, under the head “de decimis reddendis,” the aforesaid law is repeated and confirmed⁷: and in giving of rules for county courts, the laws of that prince require the presence of the bishop of the diocese and of the senator or justice of the county, the one to declare the laws of God, the other those of the realm⁸. The like conjunction of power we find under Edward the Confessor in the management of the ordeal trial, and in matters of the king’s peace, and more plainly when he appoints a part of the forfeiture to the dean of the bishop, in whose deanery the peace was violated⁹. And though there is no doubt to be made but in those things which were purely ecclesiastical, and wherein the functions of the clergy were immediately concerned, the canons of the church were the rules by which the bishops and archdeacons proceeded in these courts, and that their censures were answerable thereunto, yet there is reason to think that in other affairs the persons and estates of the clergy were subject to the laws of their country; and whether it was the ecclesiastical or civil judge, or, which is more likely, both in conjunction, that determined of things of this kind, it is evident the clergy were liable to the fines imposed by the English municipal law.

12. These few reflections on the state of the church under the ancient English government not only give us a view of the English church before the Conquest, but, by accounting for the interest the clergy had in the civil government, may possibly let us into the true ground of the change which was

⁵ Lambard. Ll. Aethelst. pp. 45, 53, ed. 1644; [Thorpe’s Ancient Laws &c. Ath. I, pref. and § 26.]

⁶ Lambard. Ll. Edg. p. 62, § 3; [Thorpe, Edg. I, 3.]

⁷ Lambard. Ll. Can. p. 101, § 8; [Thorpe, Cnut E. 8.]

⁸ Lambard. Ll. Can. p. 111, § 17;

[Thorpe, Cnut S. 17. This also is a repetition of a law of Edgar: Lambard. p. 64, § 5; Thorpe, Edg. II, 5.]

⁹ Lambard. Ll. Edv. p. 139, § 9; p. 140, § 12; p. 145, § 31; [Thorpe, Edw. C. 9, 12, 27.]

William I. introduced by the Normans. For, if we may judge of the
 1085. affections of the English clergy to the Norman government by the treatment they met with, it will appear that they were uneasy under the oppressions of their country; so that the pretence of canon¹, and a regard to the honour and discipline of the church, seem to have been intended as a colour for lessening their authority, and withdrawing them from the trusts that were not thought safe in their hands. At least the character and conduct of this prince in other instances will oblige one to believe, that he, who had drawn upon himself the displeasure of the religious by seizing their wealth and putting them under Norman abbots, and of both them and the seculars by reducing their lands to the common tenure of baronage and knights' fees, would not have added a new provocation by a law which at once lessened the profit and reputation of the secular clergy, if he had not been led to it by the necessity of his affairs, and seen how to find his account in it.

But, upon whatever views he acted, towards the latter end of his reign the king enacted a law, by which he commanded bishops and archdeacons not to hear ecclesiastical causes in the civil courts, forbade the carrying of such ecclesiastical causes as did directly relate to the care of souls to his secular courts, and appointed that for the time to come the ecclesiastical courts should be held where the seat of the bishop was, or where he should otherwise appoint. And lest their courts should lose any of the advantages which accrued to them by the presence of the secular magistrates, who before sat with and assisted the bishops, and enforced their censures with the secular arm, he not only forbade his civil officers to intermeddle in ecclesiastical affairs, but in case of contumacy required them to assist the ecclesiastical judge, and, if need were, to enforce the sentence of excommunication by the arms of the king or his sheriffs².

This law takes no notice of causes of a mixed nature, nor

¹ [This charter or law of the Conqueror begins by stating that he has resolved to amend the "leges episcopales, quæ non bene nec secundum sanctorum canonum præ-

cepta usque ad mea tempora in regno Anglorum fuerunt."]

² Concil. Britan. Spelman II, 14, [Wilkins I, 368.]

gives any rules for the granting of prohibitions to stop the proceedings of the ecclesiastical judge ; nor does it determine in what cases appeals may be made from them, to whom such appeals should be carried, or by what measures they ought to be conducted ; and therefore must be supposed to have left these particulars to the ancient course, and to have confined the change to the letter of the law. And, the course of appeals before the separation of courts lying to the king, there is no doubt but things continued in the same channel, and that this was the ground upon which the council of Clarendon gave judgment for final appeals to the king³ : and, this law having made no alteration in this particular, it seems to have been the intention of the legislature to have left this matter in the state it was in before the Conquest.

William I.
1085.

13. The erecting of the consistory was not the only change which this law produced, but in all probability it turned the course of civil justice. For, the bishop and his officers being withdrawn from the civil courts, it seems likely that the business of the county and hundred courts did so far lose their reputation, that it became necessary to the government to appoint itinerant judges ; and that this change was a consequence of the other, and not long after ensued it ; and that this occasioned the reducing the business of the county and hundred courts to matters of lesser moment, and in time brought every thing of consequence to the cognizance of the itinerant judges, or at least to such judges as were primarily intended only to inspect the rights or the revenue of the crown.

Though this law occasioned so sensible a change as one would have thought might have told its original, and have carried such marks along with it as might have put it beyond a doubt when it had its beginning, yet Mr. Selden, a gentleman no less skilful in our antiquities than in the ancient forms of law, and indeed in all the useful parts of learning, seems to make a doubt whether this charter, which passes for a law of William the First, was not in the first intention an occasional rescript, which by usage only acquired the authority of a general law ; as the caution and direction first given to the bishop of Norwich originally was, but in time

³ [See below, xiii, 5.]

William I. acquired the authority of a law, and is commonly known by
 1085. the name of the statute of *Circumspecte agatis*¹. The truth is, we hear of no more than of two copies of this charter: one whereof is directed to the high-sheriffs, under-sheriffs, and the French and English, within the diocese of Remigius bishop of Lincoln², where a very ancient copy is still preserved, and from thence transcribed into the *Monasticon*³;

¹ Selden, *Hist. Tithes* c. XIV, p. 413. [See Seld. *ad Eadmer. Hist. Nov.* pp. 166–168. The statute of *Circumspecte agatis* (13 Edw. I, stat. 4) was not a caution or direction to the bishop of Norwich, but was addressed to the king's judges, bidding them "use" themselves "circumspectly in all matters concerning the bishop of Norwich and his clergy" according to the directions therein given.]

² ["*Comitibus* (earls), *vice-comitibus* (sheriffs), *et omnibus Francigenis et Anglis, qui in episcopatu Remegii episcopi terras habent*".]

³ [Dugdale, *Monast. Anglic.* III, 258. Dugdale however did not print the charter from the "very ancient copy", which is "still preserved" at Lincoln among the records of the dean and chapter in the volume called "*Registrum Magnum*", but from an *Inspeximus* of Henry VI (*Pat. 8 H. VI, p. 2, m. 10*) confirming this and several other charters.

There are now three copies of this law or charter in the Archives of the dean and chapter of Lincoln. The one to which Inett probably refers is the one mentioned above,

occurring on fol. 1 a of the "*Registrum Magnum*", a large folio volume not earlier than the reign of Edward I. The other two are in a smaller and considerably older volume, called "*Remigii Chronicon*", one on fol. 1 a, the other on fol. 9 a, in a different and perhaps an older hand, the ninth and tenth leaves of the volume not having belonged to it originally. Wilkins gives a collation of the charter from this "*Remigii Chronicon*" (calling it "*Registrum Remigii*") in *Concil. Britan.* I, 368, and seems to have printed from it in *Leges Anglo-Saxon.* p. 230. The three copies agree in the address, there being no word in any one of them to specify the see of bishop Remigius.

The "*Remigii Chronicon*" originally belonged to the church of Lincoln, but had been lost and probably was not there when Inett wrote. Archbishop Wake, who was bishop of Lincoln 1705–1716, had the good fortune to recover it, and intended to restore it to the chapter or to the see, as appears from the following inscription in his handwriting attached to the beginning of the volume.

Registrum Sedis Lincolniensis
 Omnium antiquissimum,
 Forte et utilissimum,
 Ab ecclesia illa seu casu seu fraude abreptum,
 Comparavit, Restituit,
 Gul. Episc. Lincoln.
 A. D. 1712.

It remained however in his possession, went with him to Lambeth, and passed at his death together with the rest of his library to the dean and chapter of Christ Church;

who in 1764, as appears by another inscription, which is also at the beginning of the volume, restored it to its rightful owners.

and the other is a copy from the registry of the dean and chapter of St. Paul's, inserted in the second volume of the British Councils⁴; and this is directed to R. Bainardo and G. De Magnavilla and P. De Valoines⁵ and the rest of the king's liege people of Essex, Hertfordshire, and Middlesex. This style, so different from the modern forms of our laws, seems to have led the learned Mr. Selden into the aforesaid conjecture.

14. But there is no doubt to be made that the Magna Charta of Henry the First was primarily intended, not only for a law, but as a standard and test to succeeding laws; and yet the copy thereof inserted in M. Paris is directed to Hugh De Bocland sheriff and the French and English in

Hunc librum inter eos MSS. repertum,
quos vir reverendiss. Ædi Christi legaverat,
Lubenter et æque,
Quod et Testatorem voluisse
ex nota ipsius memoriali comparet,
Eccles. Lincoln.
reddiderunt Decanus et Canonici.
A. D. 1764.

In this inscription the words "Eccles. Lincoln." are inserted in a different hand and ink.]

⁴ Concil. Britan. Spelman II, 14, [Wilkins I, 368.]

⁵ [Ralph Bainard, called Baig-nard and Baniard in Domesday, is said to have built the castle in London, which certainly took its name from him, and gave it afterwards to Castle Baynard Ward. Dugdale's Baronage I, 461: Stow's Survey of London, ed. Strype, I, xiv, p. 59, III, xi, p. 220.

Geoffrey De Magneville, Manneville, or Mandevile, ancestor of the great earls of Essex of that name, was constable of the tower of London and sheriff of London and Middlesex and of Hertfordshire (whether contemporaneously or not is uncertain), and had as many as forty lordships in Essex. Dugdale's Baronage I, 200. "Li sire de Magne Uile" occurs in the extracts from Wace's roll of the Conqueror's warriors at the battle of Hastings printed by sir H. Ellis, Introd. Domesday, vol. I, pref. p. xiii. The account of the early members of this family

printed by Dugdale in Monast. Anglic. I, 446 b, 447 a, from a transcript of a MS. belonging to Walden Abbey, is not trustworthy.

Peter De Valoines is called "the Conqueror's nephew" by Parkin, the continuator of Blomefield's History of Norfolk, vol. V, p. 787; but this appears to be an error, which he would probably have corrected himself had he lived to carry his work through the press. For no other authority for the statement has been found; he does not himself repeat it, although he has occasion to mention Peter of Valoines very often; and more particularly the account of the family which he gives in vol. IV, at p. 510, does not contain it. Dugdale in his Baronage, I, 441, could not trace the genealogy above Peter himself, who, like so many other of the Conqueror's followers, seems to have been the founder of his own fortunes. He held as many as seventeen lordships in Hertfordshire, and twelve in Essex; but it is not known that he bore any office in either of those counties or in Middlesex.]

William I.

1085.

William I. Herefordshire¹. But the same writer saith, that the king
 1085. caused as many copies thereof as there are counties in England to be written, and sent and deposited them in the cathedrals and monasteries thereof². And this method of promulging laws continued so long, that the lord chief justice Coke has well observed, there were many copies of the great charters and of the *Charta De Forestis* put under the great seal, and sent to the archbishops and bishops and other great men of the clergy to be safely kept³. And in the twenty-fifth of Edward the First it was ordained by act of parliament, that copies of the aforesaid charters should be sent under the great seal, as well to the justices of the forests as to others, and to all sheriffs, and to all cities and cathedral churches through the realm⁴. And accordingly the copies of those charters appear in the registry of the dean and chapter of Lincoln to this day, and these of a very ancient date⁵; and I make no doubt but that the like may be found in the registries of other cathedral churches, if the matter was of moment enough to deserve a particular inquiry. This seems to have been the ancient practice of England long before the Conquest: for the ninth canon of the council of Calcuith, held about the year 816, requires that the bishops should not only have their distinct and particular registries, but that they should take copies of the decrees and resolutions of councils, and register them therein⁶. And when it is considered that this council of Calcuith was rather a mixed council than a council properly ecclesiastical, there will appear little reason to doubt that this constitution extended to the great councils of the realm, as well as to those which

¹ M. Paris. an. 1100, p. 55 ed. Wats.

² Ibid. p. 56, 33.

³ Coke 2 Instit. Proeme p. 2. [Blackstone's History of the Charters p. xvii.]

⁴ Coke ibid. [25 Edw. I, cc. 1, 3.]

⁵ [Besides the copies of the charters recorded in the *Registrum Magnum* at Lincoln in the time of Edward I, there is in the Archives of the dean and chapter a contemporary copy or exemplification of the *Magna Carta* of king John,

which was thought by the Commissioners of Public Records in 1806 to be more valuable than either of those which are preserved in the British Museum. See their Report of Searches, 1806, p. iii; and the Appendix to that Report, p. 4, where the charter is printed at length. In the Appendix to their Reports 1800-1819, no. III is an engraving of it in fac-simile.]

⁶ [Concil. Britan. Spelman I, 330, Wilkins I, 170, 171. See before, I, xv, 10.]

were in proper speaking church councils; which makes it probable that this usage took place in the aforesaid charter, and that copies thereof were sent to all the other bishops' sees in England, as well as to those of London and Lincoln, though the iniquity of the times did not suffer them to come to our hands. Upon the whole matter it seems very likely, that the aforesaid charter was in the first intendment a general law, and had all the promulgation and marks of a law with which that age was acquainted.

15. Nor were those already mentioned the only changes produced by the aforesaid law of William the First; but, if I judge rightly of it, it was this law which occasioned the subdivision of dioceses into archdeaconries and rural deaneries. For not only Harpsfield¹, but a much better judge, speaks of these as new institutions, introduced by Lanfranc archbishop of Canterbury, who was followed therein by Thomas archbishop of York and Remigius bishop of Lincoln; whereas "in the Saxon times", saith the same learned and excellent prelate, though "we read [of] the name of archdeacons, they had nothing to do in the diocese, but only attended the bishop at ordinations and other public services in the cathedral"². But, allowing this authority all the weight the great name of the author will ever deserve, one who looks back to the canons of Ælfric, and there finds a penalty imposed upon the clergy who do not observe the directions of their archdeacons³, and finds in the laws of Edward the Confessor a part of the mulct, imposed on those who violate the king's peace, assigned to the dean of the bishop⁴, and the laws of king Edgar appointing that the justice of the king and the deputy of the bishop

¹ Harpsfield, *Hist. Eccles. Anglic.*, Sæc. XI, cap. xxii, p. 258. [Harpsfield merely says that bishop Remigius constituted the seven archdeacons mentioned below, § 17.]

² Bp. Stillingfleet, *Duties and Rights of Parochial Clergy*, p. 146, ed. 1698, 8^{vo}; [Works, vol. III, p. 654. Wharton published a history of the institution of the archdeaconry of Canterbury by Lanfranc in *Angl. Sacr.* I, 150.]

³ *Concil. Brit.* tom. I. [The canons of Ælfric do not speak of archdeacons or of any similar officers. Probably Inett intended to cite the "Law of the Northumbrian priests"

§§ 6, 7. *Concil. Britan.* Spelman I, 496, Wilkins I, 218; Thorpe's *Ancient Laws &c.* p. 416. On that code, and on the question of the antiquity of archidiaconal jurisdiction in England, bishop Nicolson's observations deserve to be consulted. They are contained in his letter to White Kennett in defence of the English Historical Library (pp. 17-21), which was afterwards made the Preface to the Scottish Historical Library (pp. xviii-xxiii, ed. 1702, 8^{vo}, xi-xiii, ed. 1736, folio).]

⁴ Lambard. *Ll. Edv.* p. 145, § 31, ed. 1644; [Thorpe's *Ancient Laws &c.* Edw. C. 27.]

William I. should do right to such churches as are wrongfully deprived
 1085. of their tithes⁵, and compares these with the law of the present king, which requires that the bishop and his archdeacon should no more hold their pleas in the hundred or other courts for secular matters, will find himself under a great temptation to think that archdeacons had more than a ministerial power under the Saxon government.

But it seems highly probable, that the separation of courts, and setting up the consistory, made it necessary to change the forms and circumstances of ecclesiastical proceedings, to introduce such new officers as were needful to convene and cite the parties concerned to attend the process, and to execute the sentence; and that, the better to suit the conduct of church affairs to those of the state, and make this new establishment to answer the ancient division of the kingdom into counties and hundreds, the bishops of England did about this time divide their dioceses into archdeaconries and deaneries, and, to fit theirs to the branches of the civil authority, took the archdeacons, the urban and rural deans, into a share of their jurisdiction, and fitted their titles to, or rather borrowed them from, the district they assigned them; and that hence it came to pass that the archdeacons, whose courts were to answer those of the county, had usually the county for their district, and their titles from the district in which they acted; and the names of rural deaneries seem to be taken from the hundreds, and were and generally are the same to this day.

16. Beside this there were other things which, the aforesaid learned bishop of Worcester does with great probability conjecture, might contribute to letting the archdeacons, and archpresbyters or rural deans, into a part of the ecclesiastical jurisdiction; and these were, the laying aside the chorepiscopi in the western parts, and the public services which the bishops, as the king's barons, were obliged to under the Norman government¹. And it is not unlikely that the personal services of the bishops as barons might have some in-

⁵ Lambard. Ll. Edg. p. 62, § 3; [Thorpe, Edg. I, 3. The king's reeve, and the bishop's, and the mass-priest of the minster, are by this law empowered to take the tithe by force. The bishop's reeve was a secular officer, answering in many respects

to a steward of a manor now, but with far greater authority, in proportion as the prelate, his master, had more than a bishop of these days. Kemble's Saxons in England, Book II, Chap. v, the last two pages.]

fluence upon this affair in England. But, whatever effects William I. the laying aside the chorepiscopi might have in other western nations, there is no visible reason to believe that it had any influence on the English church. For that church was not founded till the inconvenience of the authority exercised by the chorepiscopi was become visible, and provided against by the canons of the Christian church : and, if I mistake not, that office was never received in England till after the Norman Conquest ; and then the introducing the authority of archdeacons and rural deans was so far from having its beginning from the ceasing of the office of suffragans to diocesan bishops, that in all probability the general settlement of archpresbyters or rural deans and suffragan bishops in England were usages derived from the same original and much of the same date, and had their beginning from the separation of the ecclesiastical from the civil courts, and the variety of causes occasioned by the subtleties of the canonists and the prevailing power of the clergy, which drew so much business into their hands as made it impossible for the bishops to attend to all the parts of the ecclesiastical jurisdiction. And though some advances were made towards this change in the latter end of the eleventh and in the beginning of the twelfth century, yet it seems probable it was never generally settled in England till the latter end of the thirteenth or the beginning of the fourteenth. At least thus much is evident, that, whereas neither the name nor the office of the suffragan bishops are to be found in the canons or histories of the English church before the Conquest, and but very little of them for above an age after, from the latter end of the thirteenth and the beginning of the fourteenth century down to the Reformation our histories are every where full with their names and offices ; and there is scarce a registry in any bishop's office that does not afford us light enough to ascertain the names and the powers of their respective suffragan bishops and rural deans².

¹ Stillingfleet, *ibid*.

² Chorepiscopi, χωρεπίσκοποι, so called as being ἐπίσκοποι ἐπιχώριοι or ἐν χώραις, rural or country bishops, were appointed in early times to oversee the distant rural portions

of a diocese, while the bishop of the diocese, to whom they were subordinate and assistant, resided chiefly in the city. They were forbidden by can. 57 of the council of Laodicea, about 360-370, Mansi II, 574, but

William I. 17. The ceasing of those offices, had we no other light, is
1085. enough to lead us to their original. For it is certain that the

were not at once disused even in the eastern parts of Christendom. In the west they were forbidden by Charlemagne about 799, Capitul. Reg. Franc. ed. Baluz. I, 327, and were put down generally during the ninth century. See Bingham's Orig. Eccles. II, xiv, 1-12.

It does not appear that the office was in general use in England; but Gervase tells us that the archbishops of Canterbury before Lanfranc used to have a chorepiscopus resident at St. Martin's near Canterbury, the ancient church which (as we have seen before, I, i, 8) was repaired for the use of Bertha, queen of Aethelberht of Kent, before the coming of Augustin. Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1650, 65. Lanfranc discontinued that officer, and is said to have employed in his stead Gundulf bishop of Rochester as his assistant or vicar. Angl. Sacr. I, 390. Other bishops of Rochester are known to have acted in that capacity under some of Lanfranc's successors, and it is probable that the same relation between the two sees continued for nearly a century and a half from the time of bishop Gundulf, for no name of any other assistant to an archbishop of Canterbury is found till the year 1221.

From the latter part of the thirteenth century to the time of the Reformation assistant bishops were very commonly employed, not by the archbishops of Canterbury alone, but by all the English prelates. Many were appointed by the pope on the nomination of the diocesan bishops who needed their services, and these were usually consecrated by the pope's authority to sees *in partibus infidelium*; but very often, in order to avoid that costly and dependent process, bishops already consecrated, particularly Irish bishops, were empowered by license or commission from diocesan bishops to act for them within their respective dioceses. The exempt monasteries especially, which

often needed the ministry of a bishop both within their own walls and throughout their privileged territory, almost always chose such bishops for the purpose. In either case the assistant bishops had no jurisdiction of their own, and do not seem to have exercised any as delegates. They were chiefly employed in the administration of confirmation, in the consecration of churches, altars, chalices, and other things set apart for holy uses, and perhaps in some other of the less important functions of the episcopal office; and in these they acted as vicars or deputies of the diocesan bishop, and in virtue of a commission from him, which seems to have always terminated with his tenure of the see and to have been in some cases revocable at his will. Usually and perhaps properly they were called Coepiscopi. Wharton in Angl. Sacr. I, 64, not. a, and elsewhere, styles them Chorepiscopi; and it must be admitted that their duties, powers, and privileges did not differ much from those of the ancient bishops who bore that title. But very frequently they were known by the name of Suffragan Bishops; which however anciently and more properly denoted the diocesan bishops of a province, who were bound to assemble in a provincial synod at the summons of their metropolitan and to aid him with their *suffrage* and advice on such matters as he thought fit to lay before them.

It was under this name that an attempt was made at the time of the Reformation to continue the use of such assistant bishops in England. An act of the year 1534, 26 Henry VIII, c. 14, directed the mode in which suffragan bishops might be appointed, gave a list of about twenty-six places which might be taken as their sees, and prescribed conditions for the exercise of their powers; and although this act was repealed under queen Mary, it was revived in 1558 by the first act of the first parliament in the reign of Elizabeth, and has

office of the suffragan bishops ended with the prevailing power of the clergy and the canon law; and from the time that the Reformation retrenched the power of the clergy, and shocked the authority of the canon law, the office of suffragan bishops was no longer continued. And though the name and office of rural deans were, and in some parts of England and Wales are continued to this day, yet the shock which the Reformation gave to the power of the clergy and to the authority of the canon law so effectually blasted their offices and authority, that from that time they begun to wither, and are now shrunk up into a little compass, and have retained so little of their ancient power that it is hard to say what they were. So that one cannot help thinking that the authority of our suffragan bishops and rural deans begun, as they ended in England, with the canon law and the papal power.

William I.
1085.

But, whatever might give the occasion, it appears that the council of Winchester did require the bishops to constitute archdeacons¹; that, beside those constituted by Lanfranc, Thomas archbishop of York, and some other bishops, Remigius at this time bishop of Lincoln did divide his diocese into seven archdeaconries, where Richard was made archdeacon of

not since been abrogated. Under its provisions some few were consecrated; the last of whom seems to have been John Sterne, who was made bishop of Colchester in 1592 as suffragan to the bishop of London. That the entire disuse of the office was not contemplated at the beginning of the reign of James I is evident from the canons of 1604, which in several places (canons 35, 60, 135) give directions concerning suffragan bishops; but in archbishop Laud's canons of 1640 the name does not once occur.

The reader who desires more information on this subject should consult, besides the books already cited, Nichols' *Bibliotheca Topographica Britannica* vol. VI; where he will find an "Account of Suffragan Bishops in England", comprising an Essay towards such an account written in 1738 by the Rev. John Lewis of Margate, a Letter written in 1784 by the Rev. Samuel Pegge to Dr.

Ducarel on "Bishops in partibus infidelium" formerly employed in England, and a List of the suffragan bishops in England transcribed from Wharton's MSS. at Lambeth in 1769 by Dr. Ducarel, then keeper of the archiepiscopal library.

On the office of rural dean there is much valuable information in Kennett's *Parochial Antiquities* an. 1444, vol. II, pp. 337-370, ed. 1818, where good reason is given for believing that it was in use in England before the Norman Conquest. And the subject may be considered as exhausted in Dansey's *Horæ Decanice Rurales*, of which the second edition in two volumes 4to was published in 1844. In part II, sect. I, Mr. Dansey speaks of the ancient *Chorepiscopi*.]

¹ Concil. Britan. Spelman II, 12, [Wilkins I, 365. The date of this council of Winchester cannot be ascertained. See before, II, ii, 13, note 3; 14, note 2.]

William I. 1085. Lincoln, Nigellus of Northampton, Nicolas for Huntingdon and Hertford, Radulphus for Leicester, Alfredus for Oxford, Alured for Buckingham, and Osbert for Bedford²; and each of these had the county for his district from whence he had his title, and some of them two. And all these had their settled districts and a fixed part in the jurisdiction: whereas under the Saxon government, if I am not mistaken, there were few archdeacons, and those that were had no settled districts, and their power was only occasional as their bishops thought fit; this too seems to be the case of those whom our Saxon histories call the deans of our bishops. But, whenever the archdeacons and rural deans were introduced, we must not expect to hear much of them till the usurpations of the bishops of Rome gave reputation to the canon law, and brought every thing into the consistory that either was really, or could be pretended to be, fit for the cognizance of the church. But having said this to give the reader some light into this dark part of our constitution, it is time to return to our story.

18. Whilst these things were doing in England, pope Gregory the Seventh died, the twenty-fourth of May¹ this year, after he had filled the pretended chair of St. Peter somewhat more than twelve years, and had laid the design for that tyranny and usurpation which in process of time became one of the greatest judgments that God ever inflicted on his church. But in the midst of judgment God still remembered mercy, and, whilst he suffered errors to be broached, he did at the same instant provide a remedy. For whatever could be said by this prelate for the necessity of an infallible guide, and a supreme judge in controversies, and that St. Peter's successors cannot err, was so thoroughly confuted by his example and conduct, that, if God had left the world no other antidote against the wild and extravagant maxims he first published, that alone, one would think, should be enough to every one but those who have an interest in the error, and do not, because they will not, see it.

But leaving this prelate to his mercy who is the Searcher of hearts, and can unravel and lay open the secrets of the

² H. Huntingd. de Mund. Contempt., Angl. Sacr. II, 695, 696.

¹ [Rather, on May 25, according to Pagi on Baron. an. 1085, vi, vii.]

most artful and best covered ambition, it will be time to re- William I.
turn to the affairs of England; where we shall find the king 1085.
convening his bishops and nobility to meet him at Salisbury;
and having perfected his survey², and thereby informed him-
self of the number of knights' fees throughout England, and
by whom possessed, he commanded their attendance also,
and required from them an oath of fidelity. Whether this
was occasioned by a report of an invasion from the Danes³,
or whether intended to lessen his barons by bringing those
who held under them to an immediate dependence on the
crown, it is not easy, nor very material, to determine.

But, if this was not the effect of that invasion the king had
too much reason to be afraid of, it is certain that the appre-
hension thereof was so well founded, that the king was forced
to bring his army out of Normandy. And this gave a new
uneasiness to his English subjects: for the fears he was
under that his enemies might find relief upon the sea-coast
put him upon destroying the forage that was most likely to
fall into their hands⁴; and, to provide for his foreign army,
he not only required the nobility to make provision for them,
but quartered many of them amongst the religious. And
they in their turn had their revenge upon him, or at least
upon his memory; for, having the writing of his story, they
did not fail to blacken his memory, and load it with the re-
proach of cruelty, oppression, and sacrilege. But though
their revenge pursued his memory, and rather increased than
lost any thing by length of time, yet, the fears of this Danish
invasion vanishing, the king had no more disturbance from
his English affairs, especially those of the church, which con-
tinued quiet till his death and the death of archbishop Lan-
franc opened the way to a dispute, which lasted long, and
ended in an agreement exceedingly disadvantageous to the
church and the crown.

19. But, because those unhappy controversies which em-

² [The survey was finished in 1086. Sir H. Ellis, *Introd. Domesday*, I, § 2, p. 4. According to the *Saxon Chronicle* it must have been begun in the same year; for the council at Gloucester, at which it was resolved upon, is said to have been held after Christmas 1085.]

³ This is the motive assigned by the *Saxon Chronicle*, an. 1085, (cited by sir H. Ellis, *ibid.* § 3, p. 13); and by *Ord. Vital.* VII, p. 649 D, ed. Du Chesne, vol. III, p. 201, ed. Le Prevost.]

⁴ [Sax. Chron. an. 1085.]

William I. broiled the English church had their beginning from abroad,
1085. it may not be amiss, whilst the silence of our own affairs leaves us at liberty, to look thither, and observe the first rise of those disputes which too soon came home to us. It was not without good grounds that Gregory the Seventh was charged with putting himself into the papal chair by force and practice: and this consideration, added to those wild and, to say no worse, those unchristian maxims he every where published and as far as he was able pursued, raised such a ferment in the empire, that the emperor and bishops thereof not only deposed Gregory and set up Guibert archbishop of Ravenna in his stead, who took the name of Clement, but the imperial arms were turned against Gregory, and he was driven from Rome to Salerno, where he died in exile the latter end of May one thousand and eighty-five. By his exile and death that furious party which ran into his interest was so cooled, that it was a year before they had courage to venture upon a new election, and two before Victor, chosen by that party, received his consecration, and took upon him the title of bishop of Rome; which was not till the Sunday after Ascension in the year one thousand and eighty-seven, when he took upon him the name of Victor the Third. But, dying the September following, he was succeeded by Urban the Second; a prelate who, as Baronius observes, at his first promotion declared his resolution to follow the steps of Gregory the Seventh¹. Though the fire and ambition of pope Gregory made him bold and fearless, and would not suffer him to cool so far as to see the wickedness of his maxims or the ill consequences thereof, and so excellently fitted him to broach the imposture, yet Urban was much better fitted for the conduct of it. He had more temper and better address, and was skilful in all the arts of dissimulation; but, though he covered the imposture more artfully, yet his very soul was in at it, and his zeal and diligence were suitable to his principles and to the wicked purposes in which he engaged.

In this posture stood the affairs of the papacy in the beginning of the year one thousand and eighty-eight: and those of Europe had much the same face as in the popedom of Gregory. The empire, which was more immediately con-

¹ [Baron. Annal. an. 1088, iv.]

cerned, was all in a ferment; and the emperor had no patience to think of shifting titles with a vassal of the empire, and, after he and his predecessors had for a thousand years given laws to the bishops of Rome as to their subjects, he could not without the greatest mortification think of owning them as their sovereign lords. William I.
1085.

But though the pretension of Gregory was the most impudent and audacious insult that was ever offered to the authority of princes, and did at once put all their titles into the hands of a body of men who had the confidence to tell the world that princes were to hold their crowns at their pleasure, and all the other princes of Christendom stood amazed at the new maxims of the bishops and court of Rome; yet the king of England thought fit to stand still, and contented himself to keep the mischief at a distance, but did not suffer so much as a bishop to go from England to Rome, nor towards his latter end any legate to come from thence. And thus he kept the affairs of the English church at quiet till the time of his death, the occasion and consequences whereof come now to be considered.

CHAPTER IV.

AB ANNO 1086 AD ANNUM 1100.

1. The death of William the First. William the Second succeeds. The nation uneasy under him.
2. William Rufus quiets the factions in England. Lanfranc archbishop of Canterbury dies: changes in the conduct of the king occasioned thereby.
3. The king goes into Normandy. Anselm made archbishop of Canterbury; Robert Bloet made bishop of Lincoln.
4. King encourages the dispute betwixt the archbishop of York and the new bishop of Lincoln: the grounds and effects of that dispute.
5. The king forces money from the bishop of Lincoln, and makes up the matter in dispute betwixt him and the archbishop of York. Anselm archbishop of Canterbury falls under the displeasure of the king.
6. The dispute betwixt the king and Anselm: the occasion thereof.
7. A schism in the Roman church: the English church holds no correspondence therewith; owns neither of the pretenders to the papacy. Anselm owns Urban: the effects thereof. A council meets at Rockingham.
8. Debate in the council, whether a bishop of Rome might be acknowledged in England without the king's consent: the bishops and nobility

affirm it contrary to law: Anselm's plea on the other side. The king resolves to depose him.

9. Legate of pope Urban assures the king that every thing should go to his mind, if Urban be owned as pope. King owns Urban, and is overreached by the legate.

10. Merchelah, an Irish king, applies to Anselm archbishop of Canterbury for the consecration of a bishop of Waterford. Thomas archbishop of York consecrates a bishop of the Orcades. Candida Casa subject to the archbishop of York.

11. The archbishop of Canterbury thought by some to be primate of Ireland: ground of that opinion. Pope Urban excommunicates the French king. King of England resents the fraud of the legate.

12. Anselm desires to go to Rome; is denied by the king. Pretence for that journey. The behaviour of that prelate.

13. King commands Anselm to leave England. The difference in the conduct of him and his predecessor.

14. The king seizes the temporalities of the archbishop of Canterbury. Pope Urban advances the design of the court of Rome against the western princes. Anselm goes to Rome: his reception there.

15. Court of Rome espouses the cause of Anselm; attempts to reconcile him to the king. He threatens and sends back the legate; justifies his conduct at Rome. A council held there decrees the king worthy of excommunication.

William II. 1. **KING** William going this year into Normandy died
1087. the ninth of September, after a reign of above one and twenty years¹ as king of England, and fifty-two as duke of Normandy. His eldest son Robert succeeded him in the dukedom, and William, his second son now living², succeeded him in the kingdom of England; and this, as is generally agreed, by the appointment of their father. However that be, William Rufus being with his father in Normandy at the time of his death³, without staying to take care of his

¹ [If the Conqueror's reign is dated from the death of Edward the Confessor, January 5, 1066, as some chronologers seem to have reckoned it, treating Harold as a mere usurper, its length was above twenty-one years and eight months: but from the battle of Hastings, October 14, 1066, it was not twenty-one years complete, and still less from his coronation on the Christmas-day of that year.]

² [Richard, the second son by birth, died early; whether from an accident while hunting in the New

Forest, or from illness taken there, is uncertain. Ord. Vital. V, p. 573 C, ed. Du Chesne, vol. II, p. 391, ed. Le Prevost. Malmesb. Gest. Reg. III, 62 b, ed. Savile, § 275 ed. Hardy.]

³ [William Rufus is said by Orderic to have been sent away for England by his father, before his death, with a letter to Lanfranc concerning the succession to the crown. Ord. Vital. VII, p. 659 D, ed. Du Chesne, vol. III, p. 244, ed. Le Prevost.]

funeral, made haste into England, and by the interest and address of the archbishop of Canterbury so managed his affairs, that, though his father died but the ninth, he was crowned the twenty-seventh of September⁴, and received the homages of his bishops and nobility, and without any opposition was universally received as king of England. Willam II. 1087.

But, generally speaking, all revolutions are better in the idea than in the effect and practice. For whilst nations are in a ferment, and things only disposing to a change, men are at liberty to put a price upon their own merits, and their hopes have usually no other measures but such as self-love and flattery naturally inspire men with : but the expectations of designing men are commonly too big to be gratified by any government, and sometimes lie so cross to one another, that they who can agree in setting forward confusion must of necessity break whenever things come to be settled. And whilst some men are led into changes which disappoint them and only fit them for new intrigues, caution and fears keep others quiet. And thus nations sometimes run mad with factions, as whole companies do with drink, whilst they are but very few that love it ; and great turns are brought about, and yet but a few men hearty in them. Whether this was the case here one cannot pretend to say ; but thus much is certain, that, before the year⁵ was done, those who ran fastest into the interests of the new king did what they could to dethrone him, and the defection was so general that it was more than odds the king would have sunk under it.

2. But that prince, in pursuance of his father's will, having sent to each principal cathedral and monastery ten marks of gold, beside many other rich presents of crosses, candlesticks, and ornaments for the altar, and to parochial churches five shillings apiece, and to the poor of every county one hundred pound¹, and having prodigally thrown about the remainder

⁴ [William of Malmesbury puts the coronation of William Rufus on the twenty-seventh of September : Florence of Worcester and several other early authorities say, with more probability, that the ceremony took place on Sunday the twenty-sixth.]

⁵ [Not the year 1087, but the first year of the new reign. The conspiracy was formed in Lent, and broke out in overt acts soon after Easter, 1088. Sax. Chron. : Flor. Wigorn.]

¹ [Sax. Chron. an. 1087.]

William II. of the treasure which his father had left, and made fair
 1087. promises to remit the severity of the forest laws and allow those liberties of hunting which his father had denied², he secured himself a great interest amongst the English, especially the clergy and religious: and, Lanfranc³ the chief of the Normans continuing steady to him, he did after some time disperse his enemies and force many of the Normans, who were chiefly concerned in the rebellion, to accept his pardon and retire to Normandy; and amongst them was his uncle Odo, earl of Kent and bishop of Bayeux.

1089. This matter took up the two first years of his reign; and no sooner had he quieted the factions, and brought his affairs in England to such a condition as might give him ground to flatter himself with the hopes of a lasting peace, but a new, unthought of, and still a greater affliction fell upon him: and this was the death of Lanfranc archbishop of Canterbury⁴, who was not only a wise and learned prelate, but a very able and experienced minister of state; and, which is more, one who was not only able to advise him, but one who had an awe upon him, and kept him from the heats and violences to which he was naturally inclined, and restrained and bounded the passions which are commonly the greatest enemies that princes have. But this restraint being taken off and the rebellion suppressed, this prince gave up himself to his own inclinations, broke all the promises which he had made to ease his people, and ran into a thousand extravagances. Nor could he be content to have suppressed the troubles which had threatened him in England, but being sensible that the interest of his brother Robert, duke of Normandy, was at the bottom of that rebellion, which had given him so much uneasiness and cost him so much blood to suppress, he resolved to carry home his revenge⁵.

1090. 3. Accordingly before this year was done he went over with an army into Normandy, where, after variety of fortune, the brothers were brought to an agreement¹, and the king
 1091. left at liberty to return to England the following year, where his presence was become very necessary; for Malcolm king

² [Ibid. an. 1088.]

of May 1089.]

³ [Perhaps "and" should be inserted here after "Lanfranc".]

⁵ [Sax. Chron. an. 1090.]

¹ [Ibid. an. 1091.]

⁴ [Lanfranc died towards the end

of the Scots, taking the advantage of his absence, entered William II. into England with an army. However, this danger did not 1091. prove so formidable as it appeared at the first view; for after some hostility and a little blood shed on both sides a peace was agreed upon². But by the settlement of his affairs, instead of bettering himself, the king was put into a worse condition; for he was left at liberty to pursue his pleasures.

The archbishopric of Canterbury had been void from the 1093. year 1089, in all about four years, and the bishopric of Lincoln about a year³; yet the king, serving his covetousness under the pretence of his wars, seems not to have had a thought of filling up the vacancies⁴, till an affliction God was pleased to lay upon him this year brought him to a better mind. For, falling sick at Gloucester during Lent, he was reduced to such weakness, that his recovery was despaired of, and he himself was thoroughly sensible of his danger; and this near view of the other world so wrought upon him, that he readily hearkened to the advice of his nobility about him, and promised to mend himself and his laws; and, amongst other proofs of his sorrow and repentance, he gave several lands to religious houses, and filled up the vacant bishoprics. But, after all, he gave such marks of his insincerity as are enough to cast a suspicion upon his conduct in this affair, and show how little a late repentance is to be relied upon. The archbishopric of Canterbury was given by the king to Anselm abbot of Bec in Normandy, and that of Lincoln to

² [Ibid.]

³ [Remigius, bishop of Lincoln, died on Ascension-day, May 6, 1092.]

⁴ [The sovereign, as founder of all archbishoprics and bishoprics, had by law, and to this day has, the custody of the temporalities during the vacancy of a see, and a right to all profits thence accruing in the interval; but it is now the custom to restore them untouched to the succeeding bishop on his doing homage. See Stephen's Commentaries, Book IV, Part I, Ch. vii, Vol. II, p. 546, ed. 1; where it is stated in a note, on the authority of Strype, Annals IV, 351, that even as late as the reign of

Elizabeth the see of Ely was kept vacant nineteen years in order that the queen might retain the revenue. Strype, in the place cited, records the fact of the vacancy, which followed the death of bishop Cox in 1581, but does not assign a reason for it. William Rufus was the first sovereign who kept bishoprics and abbeys vacant for the sake of their revenues. See Eadm. Hist. Nov. I, p. 14, 35. Henry II, by the second article of the agreement he made with the legate of pope Alexander III in 1176, bound himself not to keep any vacant for more than a year without some clear necessity for doing so. See below, xv, 1.]

William II. Robert Bloet his chancellor⁵; but no sooner did he recover
 1093. his health, but he returned to the unworthy sentiments which
 had before possessed him, and repented of what he had done⁶.
 And as he resumed, or rather never performed, what he had
 promised to the monasteries, he applied himself to find out
 ways to regain the opportunities which he had lost by parting
 with the revenues of two bishoprics, and to force some money
 from the new bishops; and he succeeded in his design, and
 found his time to let them see he had not honour enough to
 give the bishoprics fairly which he had no right to keep.

4. It was some time before it fell in his way to let Anselm
 see how much he resented the parting with the revenues of
 his bishopric; and then it rather made an article in the great
 controversy betwixt them than a distinct subject of dispute.
 But his displeasure against the new bishop of Lincoln moved
 quicker, and forced that prelate to dispute his passage to his
 chair before he was permitted to sit down in it; for the king
 had an opportunity which now offered itself, and he did not
 fail to lay hold upon it.

Remigius late bishop of Lincoln had finished his cathedral
 but so little time before his death that he did not live to see
 it consecrated; but, whilst he was preparing for it, Thomas
 archbishop of York, who had some time before set up a pre-
 tence that the city of Lincoln and some parts of Lindsey
 were within his diocese, forbade Remigius to consecrate his
 new cathedral¹: and upon the same ground, after the death
 of Remigius and the nomination of Bloet, he sent to Anselm
 the new archbishop of Canterbury to forbid the consecration
 of the bishop elect of Lincoln; he did not deny that Dorches-
 ter, the ancient seat of the bishopric, was within the province
 of Canterbury, but he pretended that Lincoln, Stow, Louth,

⁵ [Robert Bloet had been chaplain
 to William the Conqueror, and ac-
 companied Rufus to England from
 his father's death-bed, being himself
 the actual bearer of the king's letter
 to Lanfranc concerning the succes-
 sion. Ord. Vital. X, p. 763 D ed. Du
 Chesne. See before, § 1 of this
 chapter, note 3.]

⁶ [Sax. Chron. an. 1093.]

¹ [The objections of the archbi-
 shop of York had been overruled by
 the king, who was moved, it is said,
 by the consideration of a large sum
 of money given to him by Remigius,
 and the consecration of the cathedral
 was fixed for Sunday, May 9, 1092,
 when the solemnity was prevented by
 the death of the bishop.]

and Newark were within the diocese of York, and unjustly William II. taken and detained from him². This was a branch of the 1093. former controversy betwixt the two archbishops³; and was now upon the consecration of Anselm revived again, and with some advantage to the archbishop of York: for the king, hoping to serve his covetousness thereby, ran into the dispute, and espoused the pretensions of that prelate, especially in that branch which had respect to the bishop of Lincoln; and this put off the consecration of the new bishop and his cathedral.

The truth is, the vices of this prince could not be supported in the common methods of law and justice: therefore, though he seemed willing to fill the sees of Canterbury and Lincoln when his sickness gave him reason to think he should get no more by their avoidance, yet he too soon repented of his generosity, and resolved to bring Anselm and Bloet to an after-reckoning. Anselm had not only a share in the present vexation, but owed a part of his after-troubles to this beginning.

5. As for Bloet, though nominated in the beginning of the 1094. last year, yet his consecration was by the aforesaid controversy delayed till the beginning of the present year, when the king undertook to compromise the dispute, but conducted himself by the same unworthy spirit which first engaged him in this affair, and having forced the bishop to pay to himself the sum of two thousand pound, or, as others say, five¹, the matter was soon brought to an issue. But though the king seems to have acted on this bottom throughout this affair, yet in penning the compromise he took care to hide the springs by which he had moved, and leave only the bright side of his conduct open to posterity. Therefore by an instrument attested by himself and the two archbishops, Anselm and Thomas, and the bishops of Winchester, Durham, and Rochester, he sets forth, that moved by the example of the eternal charity, and out of compassion to the divided English church, and to quiet the pretence of the archbishop of York to a jurisdiction in Lindsey and his houses in Stow and

² Stubbs Act. Pontif. Ebor. int. [Stubbs, cited on the last section, X Scriptor. ed. Twysden, 1707, 1708. says the sum was one thousand

³ [See before, II, ii, 6, 7.]

pounds.]

¹ H. Huntingd. VII, fol. 213, b.

William II. Louth, he had given the archbishop and his successors [in]²
 1094. the church of St. Peter in York, the abbey of St. German in
 Saleby, and the church of St. Oswald in Gloucester, to be
 enjoyed by the archbishop and his successors, as the bishop-
 ric of Rochester was by the archbishop of Canterbury³. Here
 we have the unworthy acts of a prince so artfully covered,
 that, if our historians were not unanimous and the matter of
 fact very agreeable to the character of that prince, one would
 be apt to think that the writers of his story had done him
 wrong. This affair being thus settled, Bloet was consecrated
 bishop of Lincoln at Hastings in Sussex, whilst the king lay
 detained there by opposite winds in his passage to Normandy⁴.

As this prelate thus reconciled himself to the king, the indiscreet zeal of Anselm increased his displeasure: for, whilst that prince lay at Hastings, Anselm took an opportunity to set before him the present ill state of the English church, and proposed some methods of redress, and in particular the convening of councils; but taking great liberty herein, and making some severe reflections on the disorders in the church, wherein that prince had but too great a share, this his zeal served only to exasperate the king, and give him impressions much to the disadvantage of Anselm⁵. The king being engaged at this time in an expedition to Normandy, and lying ready to transport himself and his army thither, the bishops

² [The word "in" is not in edit. 1. "The church of St. Peter in York" is the cathedral church there.]

³ ["Redemi igitur de meis propriis possessionibus calumpniam quam habebat Eburacensis ecclesia et Thomas ejusdem ecclesiæ archiepiscopus super Lincoliam et super Lindissim et super mansiones Stov et Ludam, et dedi pro eis ecclesiæ Sancti Petri Eburacensis jure perpetuo possidendas abbatiam Sancti Germani de Saleby et ecclesiam Sancti Oswaldi de Glocestra cum omnibus ad eas jure pertinentibus; et ita dedi archiepiscopo Thomæ et successoribus ejus abbatiam Sancti Germani sicut archiepiscopus Cantuariensis habet episcopatum Roffensem." Cart. Will. II in] Registr. Magn. penes Decan. et Capit. Lin-

coln. fol. 2 a, [and in Remig. Chron. penes eosdem fol. 2 b. It has been stated before, II, iii, 16, note 2, that for about a hundred and fifty years from the time of archbishop Lanfranc and bishop Gundulf the bishops of Rochester seem to have acted as coadjutors or vicars to the archbishops of Canterbury; and it appears likewise that during all that time, and long afterwards, the archbishops exercised the same privileges in respect of the temporalities of the see of Rochester, which the king enjoyed in respect of all other sees. Angl. Sacr. I, 342, 344 not. d, 345 not. e, 346 not. f, 358 not. b, 361, 378-381, 386, 390. Le Neve's Fasti Eccles. Anglic. II, 559, 574, ed. Hardy.]

⁴ Eadm. Hist. Nov. I, p. 23.

⁵ Ibid. p. 24.

and nobility, who best knew his temper and his necessities, William II. advised Anselm to make a present of five hundred pound to the king, with a promise of five hundred more; but he refused this advice, which made the breach still wider⁶. 1094.

6. For the present the king's expedition put a stop to this dispute; yet no sooner did he return, but it was again renewed, lasted long, and drew great consequences after it. And it is not to be thought that all this arose from the want of temper and address, though there was something of this on both sides, and great events have sometimes no other beginning: the true ground of this controversy will therefore deserve our particular inquiry.

Anselm, though abbot of Bec in Normandy, was by birth a Lombard, but had by the persuasions of Lanfranc taken the habit of religion, and became a monk under him whilst he was abbot of Bec, and, upon the remove of Lanfranc to the government of the monastery of St. Stephen in Caen, was advanced to the station which he had left, and made abbot in the room of Lanfranc¹. He was, the age considered, a man of great learning: but his education, or rather his principles, had set a wrong bias upon him; and he has left the world such an example of good sense, learning, and a mistaken zeal, as, it may be, never met together in any one man's character. It was with some reluctance, as our historians generally agree, that he accepted the great trust he was called to: but Eadmer, his secretary and the writer of his story, saith he would not take the staff and the ring, the badges of the royal favour by which the king's nomination to bishoprics was usually declared, till the bishops about the king did by downright force put them into his hands². If one would judge of this conduct by the parts he afterwards acted in wresting the right of investitures from the crown of England, this seeming modesty and humility, so much magnified by this writer of his story, will look like a cover for something worse, and gives but too much reason to think he was engaged in the designs of the court of Rome, and that it

⁶ Ibid.

¹ [Lanfranc was prior, but never abbot, of Bec. See before II, i, 13. When he was removed to Caen, Anselm succeeded him as prior, and

upon the death of Herluin in 1078 became the second abbot of the monastery. Willelm. Gemmetic. Hist. Norm. VI, ix.]

² Eadm. *ibid.* pp. 16, 17, 18.

William II. was the fear of offending that court by the manner and circumstances with which he received that trust, rather than a sense of his own inability to discharge it, which gave beginning to all that seeming modesty with which he is said to have entered upon his archbishopric.

However that matter be, thus much is certain, that the church of Rome was at this time embroiled in schism, where Clement and Urban were struggling for the chair, and with equal bitterness and rage prosecuting each other as schismatics; each making use of the censures of the church to the advantage of his own side of the controversy, and both agreeing in nothing else but what both sides ought to have been ashamed of, and this was, to make use of all the ways that could be thought of to serve the purposes of their respective parties. Urban had been advanced by the court of Rome and the Hildebrandine faction, Clement by the imperial interest³.

1095. 7. Anselm whilst abbot of Bec had acknowledged the title of pope Urban; but the king and the English church were yet in suspense, deliberating where to fix their choice with the most advantage. And in this state the English church had continued from the death of Gregory the Seventh in the year 1085, without any correspondence with the see of Rome, or any communion with the bishops thereof. And though ten years were now elapsed since the death of Gregory, yet, till the heat and zeal of Anselm did precipitate the resolutions of the church and kingdom, we have no marks of any disposition to own the authority of either of the popes¹: if there was any tendency to either side, it was to the imperial faction. But, whilst the king and the English church moved thus slowly, the zeal of Anselm was fierce and rapid and incapable of patience or delay. Therefore, no sooner was the king returned from Normandy, but Anselm applied himself to him, and desired that he might have leave to go to the bishop of Rome for his pall. The king demanded, to which of the bishops? He replied, to Urban. Then the king told him that Urban was not owned as pope in England, and that by the

³ [See before, II, ii, 13, iii, 19.]

¹ [Eadmer says that from the death of Gregory VII the church of England "nulli, loco papæ, usque ad hoc tempus subdivel obedire voluit."] Eadm. *ibid.* p. 25, 40.

law of England no one could go to Rome or own any pope without his leave, and that to debar him in matters of this kind was in effect to deprive him of his crown². William II. 1095.

The pretensions of Anselm and the denial of the king turned upon the same foot; and, to say nothing of the law of England, the king and the English nation had doubtless the same right to judge for themselves that Anselm had. And they who have insulted the common sense of mankind in the wild notion of an implicit faith, and will allow men to judge in nothing else, have ever allowed them to judge who that supreme pastor is with whom they ought to hold communion; and in all the schisms which have divided the western church for a thousand years last past, and which have been occasioned chiefly by double elections to the papacy, all the princes and states of Europe have acted accordingly, and made themselves judges of the right of the several pretenders. However, Anselm in declaring in this manner on the side of Urban did, in the consequence of that act, judge for the church of England, and put it into the power of a succeeding archbishop to receive a schismatic or an impostor, and deprive the English church and nation of a power to judge for itself, and consequently of all the advantages of the infallible judge which some men have made so much noise about. And yet the conduct of that prelate has been magnified by some, as if it had been the highest instance of a brave and generous zeal: and this opinion so far possessed that prelate, that in answer to the objection of the king he roundly told him, that whilst he had been abbot of Bec he had owned Urban as pope, nor would he any way depart from the subjection and obedience which he owed to him³. And when the king told him that such a subjection to Urban was inconsistent with the obedience which he owed to him as his subject, Anselm desired that the debate of this matter might be referred to the great council of the kingdom; but without further delay told the king, that, if it should appear that his duty to the pope was

² Ibid.

³ [Anselm reminded the king on this occasion that he had stated this to him before he consented to accept the archbishopric or did homage for the lands of the see. See Eadm. *ibid.*

p. 20. See also Anselm's letter to cardinal Hugh archbishop of Lyons, mentioned before (II, iii, 2, note 2, and II, iii, 4) as bishop of Die and the pope's legate in France. Anselm, *Epist.* III, 24.]

William II. inconsistent with that he owed to him, he would rather leave
 1095. England than for one hour deny his obedience to St. Peter and his vicar⁴. Though this was a doctrine strange and surprising, and such as had never been heard of in England before, and the king, as well he might be, was exceedingly provoked, yet he gratified Anselm in his desire, and called his great council together, which met at Rockingham the eleventh of March this year.

8. This assembly being met, and the question being laid before them, whether Anselm's persevering in his obedience to pope Urban was consistent with the duty which he owed to the king, the matter was debated with all the strength of argument it deserved. Anselm, according to the usual methods of mistaken zealots, intitled God to his bigotry, and pleaded that God was rather to be obeyed than men, and that God as well as Cesar was to have the things that were his¹; arguments so far from proving that Clement was not to be owned, or that there was any necessity of receiving Urban for the bishop of Rome, or receiving a pall from him, and much less that he was to be owned and obeyed contrary to the law of England, that, although they are well enough fitted to the cause, yet they no way answer the character of the man, or the opinion the world has received of him, and in truth prove nothing else but that the bigotry of Anselm had left no room for wisdom and sober thoughts.

The issue of this assembly was such as might be expected: for the bishops and nobility, the bishop of Rochester² only excepted, remained steady on the side of the king and the laws, and with one consent advised Anselm to submit to the king and ask his pardon³. But so far were they from being sensible of the weight of Anselm's arguments, that they acted like men under convictions of a contrary nature: for, seeing Anselm remain obstinate, some bishops of the province refused any longer to own him as their metropolitan, or to hold com-

⁴ Eadm. *ibid.* pp. 25, 26.

¹ *Ibid.* p. 27.

² [Eadm. *Vit. Anselm.* p. 17 C. The bishop was Gundulf, formerly a monk of Bec, where he had been a pupil of Lanfranc, and had contracted an intimate and confidential friend-

ship with Anselm. Lanfranc consecrated him to the see of Rochester in March 1077. *Vit. Lanfr.* cap. vii, p. 9 E, cap. xiii, p. 14 B; not. Dacher. p. 40.]

³ [Eadm. *Hist.* Nov. 1, p. 28.]

munion with him ; but in what respected the acknowledgment William II. of Urban as pope, they with one consent disowned him⁴. 1095. However, Anselm remained as men usually do who are beforehand resolved not to part with their opinions, and his whole conduct had such an air of pride and haughtiness and contempt of his adversaries, as show how extremely difficult it is to convince men of an error, or to keep their passions within the bounds of decency or good manners, when the unhappy mistake falls in with a natural haughtiness, and is soured by spiritual pride and an overweening opinion of holiness and merit. And as the design of the court of Rome to humble princes was now no longer a secret, so the zeal of Anselm for pope Urban, who was at the head of that interest, made it very evident that at least the affections and good wishes of Anselm were engaged in that design, which was no less unjust in itself than prejudicial to the rights of all Christian princes.

These considerations, added to the mischiefs which the emperor had suffered by the intrigues of the court of Rome, could not but give the king very uneasy apprehensions of the journey of Anselm, and not only brought him to a resolution to keep him at home, but if possible to rid his hands of so obstinate and so dangerous an enemy, and to bring the court of Rome to assist in his deposition. Therefore, instead of giving Anselm leave to go to Rome, the king sent two of his chaplains privately thither, to engage that court in the design which he had formed to depose him, and to obtain a pall for a new archbishop⁵ ; and, the better to bring it into his measures, promised that in case he was gratified herein he would oblige the kingdom to acknowledge pope Urban's right to the papacy. This was what they very much needed and passionately desired at Rome, and the argument had so much weight there, that the ambassadors had assurance given them that their master should be gratified, and that a pall as he desired should be sent to him to dispose at pleasure.

9. Matters being thus concerted at Rome, Walter bishop of Alba¹ was sent as legate into England, and privately

⁴ Ibid. [pp. 30, 31.]

⁵ [Eadm. II, p. 32.]

¹ [The legate Walter was bishop

of Albano, several miles nearer Rome than the ancient Alba Longa. His predecessor in the see was the car-

William II. brought a pall along with him, and at his first arrival acted
 1095. in such manner as might well deceive the king into a belief that the court of Rome was sincere in the promises which he had received from thence by his own ambassadors: for, without taking any notice of the archbishop, the legate went immediately to the king, and gave him all assurance that the privileges he pretended to should be confirmed to him for his life, and that every thing should be adjusted to his mind, provided the king would cause Urban to be acknowledged pope². The king, who was yet a stranger to the Italian finesse and did not penetrate the arts of the Roman court, was transported with the opinion of his own conduct and thought Anselm now safe in his hands, was so artfully managed by the legate that he caused Urban to be publicly owned as pope; and though the deposing of Anselm and giving the pall to a successor were the things the king's heart was set upon, yet was he brought to yield that that prelate should continue in his station, and that the pall designed another way should be bestowed upon him³; and in return Anselm was prevailed upon to swear to observe the laws and customs of England⁴.

Though this matter was thus adjusted, yet, before the article relating to the pall could be executed, the king was sensible that the legate had imposed upon him, and that the sincerity of that prelate was all of a piece with that of the court which sent him, and that the fresh and repeated assurances which he had received from him signified no more than those which his ambassadors had received at Rome. In short, he saw that he was deluded and abused by the court of Rome; but seeing no other remedy he turned his address another way, and attempted to oblige the prelate he knew not how to humble, and, the better to make Anselm sensible of his favour, desired that the pall which the legate had brought might be delivered to him, and that Anselm might receive it from his hands. This was playing an after-game, which might possibly hide the ill conduct of the king from those that stood

dinal Peter, who acted as legate to pope Gregory VII both in Germany and in France. See before, II, ii, 15.]

² [Eadm. *ibid.*:] Malmesb. Gest. Pontif. I. fol. 125.

³ [Eadmer. *ibid.* p. 33.]

⁴ [Ibid. p. 39, 26 and 45. It does not appear that Anselm took an oath; though he himself admitted that he gave a promise, to this effect.]

at a distance, or make the hardships which he had drawn William II. upon himself go down the better. And when he had so dearly 1095. paid for it, one would have thought that the legate might at least have gratified him with a trifle that could signify nothing but to those that did not understand the true secret of this proceeding. But, how little soever this might appear, yet all the address and interest of the king had not force enough to obtain it; but on the contrary the legate, having appointed a time for that ceremony, delivered the pall to Anselm in such pompous and triumphant manner⁵, as plainly showed that, whatever promises were made, the court of Rome was too sensible of the zeal of Anselm and of his abilities to serve it, ever to entertain a thought of deposing or of disobliging that prelate⁶. Anselm was exceedingly elated with the issue of this affair, and the king and his friends no less mortified: however, though the king was thus deluded in the whole conduct of this matter, yet a seeming reconciliation was made betwixt him and Anselm⁷.

10. Thus stood this affair in the preceding year, and though 1096. this reconciliation did not last long, yet the interval which passed before this dispute broke out again affords some notices too material to be forgotten. Amongst which the application to Anselm by Merchelah¹ an Irish king seems to challenge the first place: for that prince, together with several Irish bishops, and the clergy and people of the city of Waterford, in an epistle to Anselm tell him, that whereas that city had for many years wanted a bishop, and whereas they had now made choice of Malcom a monk of Winchester, they desire of Anselm that he would consecrate him bishop thereof. Anselm complied with their desire, and consecrated Malcom; and, which I chiefly remark it for, required and received from

⁵ [Ibid. p. 34.]

⁶ [Anselm himself says that the pope sent the pall to him, "non ut schismatico, sed ut accepto; non ut reprobans, sed ut approbans; et sic," he continues, "quod de me factum erat confirmavit." Epist. III, 36. And in his letter of thanks he says that the pope commanded it to be

given to him. Epist. III, 37.]

⁷ [Eadmer. *ibid.* p. 33, 50.]

¹ [In the letter cited here by Inett the name of the king in Latin is Murchertachus. Eadmer, at p. 34, 51, calls him Murierdach. By Irish writers he is called Murcertach or Muircertach O'Brian.]

William II. him a profession of canonical obedience, and that according to ancient custom, as Eadmer says².

An instance not unlike to this is to be met with in the time of Lanfranc, where we find the clergy and people of Dublin applying themselves to that prelate to consecrate Patrick, whom they had chosen for their bishop; and by the return of Lanfranc it appears that this office was performed by him³.

² Ibid. p. 36. ["Ex more" is the phrase used by Eadmer in this place. "Ex antiquo more" occurs a little before, p. 35, 3, in his account of the consecration of Samuel bishop of Dublin; and at p. 34, 53, the bishop elect of Dublin is said to have been sent to archbishop Anselm for consecration "juxta morem antiquum". Malchus was the first bishop of Waterford: and in respect of Dublin the custom could have had no great antiquity. For although the names of seven persons, said to have been bishops of Dublin at various intervals from 633 to 890, have been gathered out of ecclesiastical histories, yet the first in regular succession, the first of whom any thing certain is known, was Donat, Patrick's immediate predecessor (see the next note), who built the cathedral of the Holy Trinity, now commonly called Christ Church, about the year 1038. Cotton's Fast. Eccles. Hib. I, 2; II, 8, 9.

The professions of the four bishops mentioned in this and the next note, together with a fifth made by Gregory, Samuel's successor at Dublin, and a sixth by Patrick of Limerick, were published by Ussher at the end of his *Veterum Epistolarum Hibernicarum Sylloge*, Works IV, 564. These six prelates were elected by the Ostmans, who then possessed the three cities to which they were appointed: and Ussher in his note on the professions, as well as in the eighth chapter of his *Discourse of the Religion professed by the ancient Irish*, Works IV, 326, expresses and justifies his conviction, that these strangers, "being a colony of the Norwegians and Livonians, and so countrymen to the Normans, when they had seen England subdued by the Conqueror, and Normans ad-

vanced to the chief archbishopric there," resolved to allow "their bishops to receive their consecration from no other metropolitan but the archbishop of Canterbury." This practice ceased in 1152, when cardinal Paparo at the synod of Kells distributed the four palls which he had brought over from pope Eugenius III "to the prelates of Armagh, Dublin, Cashel, and Tuam, thus clothing them with archiepiscopal dignity." Cotton, *ibid.* II, 10. But for centuries before this gift of the pall the bishops of Armagh, often called archbishops by the Irish annalists, had exercised archiepiscopal authority, and were considered as primates of Ireland in virtue of the appointment of St. Patrick and of their succession from him; and there is evidence that one at least of them protested against this infringement of his rights on the part of the Ostman bishops. Ussher, *Religion of Ancient Irish*, *ibid.* pp. 320-328; *Vet. Epist. Hib. Syll.*, Epist. 40.

Anselm consecrated Samuel bishop of Dublin on the first Sunday after Easter, April 20, 1096, and Malchus bishop of Waterford on December 28 in the same year.]

³ Lanfr. Epist. 36, 37. [Bishop Patrick was consecrated in Lanfranc's fourth year, which ended August 28, 1074. The bishop was drowned in October 1084; and Lanfranc afterwards, in his sixteenth year, consecrated Donat, a monk of Christ Church, Canterbury, who had been elected to succeed him. Bishop Samuel, consecrated by Anselm, as mentioned in the preceding note, was nephew as well as successor to Donat. *Gest. Lanfr.* cited before in II, iii, 6, note 3: Cotton's *Fast. Eccles. Hib.* II, 9.]

And if instances of this kind would bear an argument, and William II. the practice prove the right, the see of York might upon the 1096. same ground lay claim to a jurisdiction over the Isles of the Orcades in Scotland: for, not long before this, application was made to Thomas archbishop of York by Paul earl of the Orcades to consecrate one who was chosen bishop thereof; and, with the assistance of the bishops of Worcester and Lichfield, sent thither for that end by the appointment of Lanfranc, this office was performed at York by Thomas archbishop thereof⁴. And agreeably to these practices Eadmer challenges to the see of Canterbury the primacy of Ireland, Scotland, and the adjacent islands⁵: and when he himself was afterwards chosen bishop of St. Andrew's in Scotland, he attempted to receive his consecration from the successor of Anselm⁶.

These examples seem to have been the grounds, or rather the proofs, which supported the disputes which afterwards arose betwixt the archbishops of Canterbury and York, who with equal zeal did pretend to a primacy over Scotland. Thus much is certain, that a great part of the West of Scotland had been anciently within the kingdom of Northumberland; and the bishopric of Candida Casa, now Whithern in Galloway, was upon that account subject to the see of York, as the metropolis of the kingdom of Northumberland⁷: and it is not unlikely but it continued so for some time after it was gained from the English, and that this gave beginning to the primacy over Scotland to which the archbishops of York afterwards pretended⁸. As little weight as this argument appears to have, this pretence seems to be as well grounded as that which is advanced by Eadmer in favour of the see of Canterbury; for, whatever partiality the honour of one's country

⁴ Lanfr. Epist. 11, 12. [The bishop's name was Rodolf. His profession of obedience to the archbishop of York is cited by Stubbs, int. X Scriptor. ed. Twysden 1709.]

⁵ [Eadm. I, p. 14, 13. So did Anselm himself according to Eadm. IV, p. 93, 3.]

⁶ Eadm. V, p. 132. [See below, viii, 1.]

⁷ [See before, I, i, 11, xi, 1; and below, xvii, 5.]

⁸ [On the claims of the English

archbishops to a primacy over Scotland see below, vii, 9, viii, 1, xiv, 16, xvii, 4; and Spotswood's History of the Church of Scotland Book II, pp. 33, 36, 38, 58, in which last place it is stated that pope Sixtus IV about the year 1472 decided finally against the pretensions of the archbishop of York, and at the same time gave a primate to Scotland by raising the see of St. Andrew's to the dignity of an archbishopric.]

William II. would lead one to, one cannot forbear to say that the aforesaid
 1096. instances look so like the effects of particular accidents, that, unless one be very well disposed beforehand, they will go but a little way in supporting the pretensions which have been built upon them.

11. However these arguments may lose their influence on other men, yet the learned publisher of the British Councils seems to have been misled by them, and in his preamble to the aforesaid epistle from the clergy and people of Waterford is pleased to say it was addressed to Anselm as their primate¹: but as the style of the epistle affords no ground for an assertion of this kind, the epistle from the clergy and people of Dublin is so penned as if they had intended to prevent that opinion, and plainly shows they did not look upon the archbishops of Canterbury as primates of Ireland². And if proofs of this kind were ground enough to support a pretence which lies cross to the canons and discipline of the Christian church, and³ which founds the rights of primates and metropolitans on the civil rights of nations and cities, the instances of this nature are so many, and the good offices of national churches one towards another so mutual and so equally balanced, that the confusion would be endless. For the Britons were indebted to the Gallican church for the assistances of St. German and St. Lupus⁴; Augustin the first archbishop of Canterbury was consecrated by the archbishop of Arles in France⁵; Wilfrid bishop of York by Agilbert archbishop of Paris⁶, and Agilbert himself by the Irish Scots⁷.

¹ [Concil. Brit. Spelman II, 20, Wilkins I, 374.]

² [Lanfr. Epist. 36: Ussher, Vet. Epist. Hib. Syll., Epist. 25. See also the letters which Lanfranc sent by bishop Patrick to Gothric king of the Ostmans in Dublin and to Tirlagh chief king of Ireland, in which, though he offers earnest advice, he claims no authority. To Tirlagh in particular he recommends the summoning of a council of the bishops and abbots and nobles of his realm, but does not hint at taking any part in it himself. Lanfr. Epist. 37, 38: Ussher *ibid.* Epist. 26, 27.]

³ [Ought not the word "and" here

to be omitted? It is not the "pretence" here spoken of, but the usage and discipline of the early church, "which founds the rights of primates and metropolitans on the civil rights of nations and cities." See before, I, xi, 5, xii, 8; and Bingham's *Orig. Eccles.* II, xvi.]

⁴ Bed. *Eccles. Hist.* I, 17, [21. See before, I, i, 2, 3.]

⁵ Bed. *ibid.* c. 27: [before, I, ii, 6.]

⁶ Bed. *ibid.* III, 28: [before, I, v, 3.]

⁷ Bed. *ibid.* c. 7. [It rather appears from Bede here cited that bishop Agilbert, though he had studied theology in Ireland, was

And this was the case of Aidan, Finan, and Colman, successively bishops of York, who had their consecration from the Scots of Ireland⁸. Having said this to prevent the mistakes into which the aforesaid instances might possibly lead the reader, it is time to return and pursue our story.

Whilst these things were doing in England, the court of Rome made some new and bold steps in pursuance of their design to humble princes: and as Urban had excommunicated Philip king of France in a council held at Clermont in the year 1095, and decreed in the fifteenth canon that the clergy should receive no honour from any lay hand, and in the sixteenth forbade princes to pretend to the right of investitures, so in the seventeenth he forbids bishops and priests to promise fidelity to kings or any other lay persons⁹. Whether it was that this conduct of pope Urban explained the zeal of Anselm, and gave new umbrage to the king of England, or what else occasioned it, is uncertain; but, whatever was the true reason thereof, the king was never easy under that reconciliation into which the artifices of the pope's legate had drawn him, for he could not but be sensible that he was deceived and abused in all the steps of that affair; and therefore upon his return from Wales, where he had employed his arms the latter end of this year¹⁰, that prince took occasion to blame Anselm for the small number and ill appointment of the men whom he had sent to assist him in that expedition, and required him to be forthcoming when he should be called to his court to answer for it¹¹. [1097.]

12. Anselm, instead of softening the king or attempting to set himself right again, added oil to the flame: for, coming to the court at Whitsuntide, he employed some of the nobility to acquaint the king that he had great business at Rome, and to desire that he might have his leave to make a journey [1098.]

ordained and consecrated in France, his native country. At the synod of Whitby he supported the Roman custom concerning Easter in opposition to the Scottish clergy. See before, I, v, 1.]

⁸ Bed. *ibid.* III, 3, 25: [before, I, iv, 2, 9; v, 1, 3. These three bishops had their see at Lindisfarne, and might more properly be called

bishops of Durham, to which place the see was afterwards removed, than of York.]

⁹ [Concil. Labbe X, 506, 508; Mansi XX, 815, 817.]

¹⁰ [The king's expedition into Wales was made about Midsummer 1097. Sax. Chron.]

¹¹ [Eadm. Hist. Nov. II, p. 37.]

William II. thither. The transactions of that court had by this time so
 1097. awakened the jealousy of the king, that, instead of granting
 [1098.] the request of Anselm, this application redoubled his dis-
 pleasure¹. However, things continued quiet till the calling
 of the great council in August following, when Anselm again
 renewed his request, and was again denied². But the former
 successes of Anselm had given such warmth and vigour to
 his hopes, that the denials he had received served only to
 redouble his importunity, and made his desires, which at first
 had some degrees of modesty and good manners, become
 bold and insolent, and gave them a turn much better suited
 to the insults or menaces of a foreign prince than to the
 applications of a subject: for at the next meeting of the
 great council in October following his request was again
 renewed³, or, to speak more properly, the king was insulted,
 and told by Anselm that he had no authority to deny him,
 and that the law was sinful which forbade him the liberty to
 go to Rome⁴.

The pretence for this journey was the good of his soul and
 the interest of Christianity⁵: and when the bishops and
 nobility minded Anselm that, when he reconciled himself to
 the king, he promised upon oath to observe the laws and
 customs of England, and that by the law thereof no man
 could go out of England without the king's leave, and there-
 fore importuned him to lay aside the thoughts of this journey,
 and to promise that he would not go to Rome upon any
 occasion⁶, he answered, that it was true that he had promised
 to observe the laws of England, but he meant such as were
 consistent with justice and the laws of God⁷; but for that
 law, saith he, which forbids me to go to Rome for the good
 of my soul, and the benefit of the church of which he had
 the care, it was sinful and contrary to justice, and to be
 despised by every servant of God⁸; and in short told them,

¹ Ibid.

² [Ibid. p. 38.]

³ [Ibid.]

⁴ Ibid. [p. 38, 19;] p. 40, 7.

⁵ [Ibid. p. 38, 33; p. 40, 6.]

⁶ [Ibid. p. 39, 23-35. They did
 not allege that his promise to ob-
 serve the customs and laws of the

land had been confirmed by an
 oath; but they now offered him from
 the king this alternative, either to
 swear that he would never again
 appeal to the pope, or to quit the
 kingdom.]

⁷ Ibid. p. 39, 45-51.

⁸ [Ibid. p. 40, 5-8.]

that in case he was denied liberty to go to Rome he would go without it⁹. William II. 1097.

13. Things being brought to this issue, the king, seeing no other way to keep up his authority, commanded Anselm to leave England in eleven days, but to carry nothing of his along with him. Anselm answered, that the king might possibly call his household stuff and apparel his, but that rather than be debarred of his journey to Rome he would go naked and on foot¹. And accordingly about the fifteenth of this month he left the court, and put himself on his journey to Rome; and taking Canterbury in his way, the better to put a face on this wild bigotry, to say no worse of it, he with great ceremony took the habit of a pilgrim from the altar² of his cathedral church in Canterbury, and thence going to Dover, after waiting fifteen days for a wind, set sail for Flanders³. [1098.]

These were the first insults a king of England ever received from a churchman that was his subject, and the first time that conscience was ever pretended for disobedience to the laws of England. When his much wiser predecessor archbishop Lanfranc was invited to Rome, and again and again afterwards summoned, and threatened for refusing to go, he thought it his duty to obey the law, and knew so little of any obligation from God or from religion to go to visit Rome, that under all the monitions he received he still sat quiet at home, and did not seem to have so much as one anxious thought about it⁴. But now of a sudden the laws, which were hitherto by all the clergy of England thought the measure of conscience as to this particular, lose all their

⁹ [Ibid. p. 38, 36.]

¹ Ibid. p. 40, 41-45.

² ["Peram et baculum peregrinantium more coram altari suscepit." Eadm. ibid. p. 41, 13.]

³ [He landed at Wit-sand or Wissant, the Portus Itius or Iccius of the Romans, lying between Calais and Boulogne. In Anselm's time it was still a much frequented harbour, and continued to be the point of communication between England and the continent until the taking of Calais in 1347 by Edward

III, when the English gradually raised their new acquisition into a port of great importance, and the French for their own security did the same with Boulogne. See Du Cange's *Dissertations sur l'Histoire de Saint Louys*, Dissert. XXVIII, "Du Port Itius ou Iccius," in Henschel's edition of his *Glossary* published at Paris in 1840-1850, Tom. VII, Append. pp. 115-120. The harbour is now choked with sand.]

⁴ [See before, II, ii, 17.]

William II. authority, and according to the new doctrine of Anselm had
 1097. changed their very nature; for what was before a binding
 [1098.] law was now pronounced sinful and unjust, and contrary to
 the law of Christ, and consequently no law at all: such in-
 fatuation do men put upon themselves. Had the madness
 ended here, it might have been sheltered under the infirmities
 of human nature, and the good qualities of Anselm might
 have made some atonement for his bigotry; but, God knows,
 these were but the beginnings of sorrow, and the first views
 of those principles which in a few years spread sorrow and
 mischief over the whole Christian world.

14. Anselm having left England, the king immediately
 seized upon the temporalities of his bishopric¹: and though
 the continued burdens he laid upon his people, partly for
 the support of his army and partly for the carrying on his
 public buildings, the desolations he made to serve the ends of
 his sports, and the rigour with which he treated all those
 that killed his deer or broke in upon his diversions, and the
 arbitrariness of his ministers and judges, could not but
 make his people very uneasy under his government; and the
 conduct of his nobility in the case of Anselm gave reason
 to think they were no way displeased to see his affairs
 embarrassed; and the insults which his authority had re-
 ceived from Anselm rather provoked the king to new oppres-
 sions and exorbitances than any way restrained or put a
 guard upon him; yet every thing remained quiet till the end
 of his reign.

But, however the affairs of the church went at home, the
 heat with which Anselm pushed on gave too much reason to
 expect a storm from abroad. For by this time that which
 Anselm contended for, and which in truth was nothing less
 than to be above the authority of the king and the law of
 England, begun abroad to be called a branch of the rights
 and liberties of the church. And the address of pope Urban,
 by which he had drawn vast and almost incredible numbers
 together under pretence of recovering Palestine from the
 Saracens², had given a mighty turn to the affairs of the Hil-

¹ [Eadm. *ibid.* p. 41, 35.]

² [The first crusade was proclaim-
 ed at the council of Clermont in

November 1095. The number of
 those who then took the cross was
 reckoned by the pope himself at

debrandine faction, and exceedingly raised their hopes. There- William II.
fore, to judge truly of the nature and importance of those dis- 1097.
putes, which gave so much trouble to the king and to the [1098.]
English church, it will be requisite to look abroad, and to
follow Anselm to the court of Rome, and observe his conduct
there.

Anselm leaving England made the best of his way to Rome 1098.
till he came to Lyons in France; where making some stay,
he sent a messenger with a letter to pope Urban, as well to
represent the hardships which were put upon him as to mag-
nify his sufferings under them, and he did not forget to let
Urban know that his zeal for the honour of the papacy was
the true reason of his present exile³. After he had waited
for some time at Lyons, his messenger returned, by whom
Anselm being assured of a favourable reception went himself
to Rome, where he was received by pope Urban with all the
marks of confidence and honour⁴: and, in a public speech
made by that prelate, Anselm was complimented under the
title of the apostle and patriarch of another world; his learn-
ing, his faith and humility, and, which weighed more at Rome,
his steady and immovable zeal for the holy see, were set out
with all the advantages the eloquence and authority of so great
an orator could give them⁵. Nor was he only caressed with
the title of the apostle or pope of the other world, and received
and provided for in the palace of the Lateran, but at the com-
mand of Urban he took the state and grandeur as well
as the title of pope upon him, and notwithstanding what had
been said of his humility he received the honours the pope
only before pretended to, and permitted the English to kiss
his feet⁶.

15. As if no returns could be too great to a martyr for the
papacy, pope Urban presently despatched away letters to the
king of England to persuade and command him to restore

three hundred thousand. Urban. II
Epist. 16, Concil. Labbe X, 438,
Mansi XX, 660. Others estimated
it at an enormously higher amount.
Malmesb. Gest. Reg. IV, fol. 75 a,
ed. Savile; § 348 ed. Hardy.]

³ Anselm. Epist. ad Urban. II,
Eadm. ibid. p. 43.

⁴ Diceto de Archiep. Cantuar.,
Angl. Sacr. II, 686.

⁵ J. Sarisb. Vit. Anselm., ibid. p. 166:
[Eadm. Vit. Anselm. II, p. 20 E.]

⁶ J. Sarisb. ibid. p. 167. [Eadmer
says he permitted this with the
greatest reluctance. Vit. Anselm. II,
p. 21 D.]

William II. Anselm¹, and threatened that if he disobeyed he should know
 1098. what it was to provoke the holy chair. But this heat had little effect in England: for the king refused to receive the letters of Anselm, and was with difficulty brought to receive that of pope Urban; and, understanding that the messenger was a servant of Anselm, he swore by St. Luke's face, his usual oath, that if he did not immediately leave England he would cause his eyes to be plucked out²; and when he sent an answer by a messenger of his own, it was to justify, not to
 1099. excuse, his conduct³. But the anger of this prince operated at Rome as that of pope Urban did in England. Notwithstanding the uneasiness which this affair might possibly give that court, before the year was done pope Urban called a council, which met in the church of St. Peter in Rome⁴, where this matter was again resumed, and the learning, holiness, and merit of Anselm made a new subject for the eloquence of pope Urban; and Anselm was not only allowed a place and suffrage in that assembly⁵, but with his concurrence the council declared the king of England worthy of excommunication⁶; and the Hildebrandine principles were again revived and confirmed, and all laymen that should presume to give investitures, and all ecclesiastics that should receive them, or

¹ Eadm. Hist. Nov. II, p. 45, 22.

² Ibid. p. 51, 42. [We learn from Eadmer, I, p. 16, 9, that the favourite oath of William Rufus was "per sanctum vultum de Luca"; but in the passage here cited by Inett the phrase is "per vultum Dei", by which the king meant the same thing. For the object by which he swore had nothing at all to do with the evangelist St. Luke, but was the face of the Saviour on a very ancient crucifix of cedar, said to have been carved by Nicodemus himself, and to have been miraculously brought to the city Lucca in 782, where it is still preserved with the greatest care and veneration in the chapel of the Holy Cross in the cathedral. "Il volto santo di Lucca" has always been highly prized by the inhabitants, who have even stamped it on their money. Four of their coins, dated 1725, 1735, 1749, and 1766,

three bearing the head only, the fourth showing the entire crucifix, and all four having the legend "Vultus Sanctus", are figured in Bonneville's *Traité des Monnaies*, folio Paris 1806. On these pieces the head wears a crown, as it always does on the crucifix itself, when it is exposed for public devotion.

On this oath of William Rufus see Tyler on Oaths, part III, sect. K. In justice to Inett it should be added that not only Stow and Holinshed, but much later writers, (for instance, Tyrrell in his *History of England* at p. 82 of vol. II, published in 1700,) have fallen into the same mistake.]

³ [Eadm. *ibid.* II, p. 51, 46-54.]

⁴ Baron. *Annal. an.* 1098, i, [corrected in his chronology by Pagi.]

⁵ M. Paris p. 19, 42.

⁶ Eadm. *ibid.* p. 50.

give consecration to such as did, were declared excommuni- William II.
cate 7. 1099.

Though Anselm concurred with the judgment of the council in relation to the king of England, yet it is said that he desired the sentence of excommunication might not be pronounced against him⁸. However, the share he had in this affair, and the friendships he entered into with a party which so openly avowed their designs against all the princes of Christendom, were grounds enough to justify the endeavours of the king to keep a subject at home whose business abroad was to conspire against him; especially when he had law and justice and immemorial usage on his side, and the proceedings of the aforesaid council had uncovered the true springs by which this controversy was set into motion, and left no more room to doubt that it was not the going or hindering the journey of Anselm, but the right of princes to give investitures and govern their clergy, that were the true reasons upon which this controversy turned.

CHAPTER V.

AB ANNO 1100 AD ANNUM 1102.

1. English bishops steady in their duty to the king; oppose Anselm and the court of Rome. Anselm desires to resign his bishopric; is denied by pope Urban: the reasons thereof.

2. King William killed. Henry succeeds; puts by his elder brother Robert; punishes the minister of his brother William; recalls Anselm.

3. Hildebrandine heresy destructive to the rights of princes. Anselm returns to England; refuses to do homage to the new king: his insolent behaviour: the folly of his conduct.

4. Anselm opposes the legate of pope Paschal, who is sent back without executing his commission.

⁷ [Ibid. p. 53.] J. Sarisb. Vit. Anselm., Angl. Sacr. II, 167. [According to Eadmer, who accompanied Anselm into Italy and attended him officially on all occasions, it was at the council of Bari, in the latter part of the year 1098, that Anselm's case was formally brought forward by the pope, and the king of England declared "worthy of excommunication", though the interposition of Anselm prevented the sentence from being actually passed. Afterwards

came the report of the king's reception of the pope's letter; and subsequently, about Christmas 1098, the king's reply to it was brought. Then in 1099 shortly after Easter a council met at Rome, in which Anselm's case was again discussed (but irregularly and against the pope's wish), and the sentence of excommunication was denounced against all concerned in lay investitures.]

⁸ [Eadm. ibid. p. 50, 13.]

5. Hildebrandine doctrine the ground of Anselm's proceedings. Church modelled to the form of the empire. This gives the first rise to the grandeur of the see of Rome: the use the court made thereof.

6. The court of Rome forms a design to set up an ecclesiastic monarchy. The steps by which that monarchy was raised. The ancient right of princes in disposing church preferments: methods thereof borrowed from the feudal law: the reason and grounds thereof.

7. Ancient methods in putting the clergy in possession of their temporal rights by investitures. The extent of that usage: antiquity thereof in England.

8. Gospel has not determined the measure of the provision that should be made for the interests of religion, or how the clergy should be put in possession thereof. This left to the wisdom and charity of men: the reasons thereof. Taking this trust from their hands the design of the court of Rome: the end they were to serve thereby.

9. Outcries against lay investitures by the court of Rome: the pretended and true reasons thereof. The ground of the quarrel betwixt the empire and papacy.

10. The history of that quarrel.

11. Holy war set on foot by the court of Rome to cover their designs on Christian princes.

12. The use the court of Rome made of that war: the mischiefs to Christian princes.

13. Advantages that court gained during the war.

14. Anselm refuses to consecrate the bishops who had received investiture from the king. The nobility side with the king, and assert his right.

15. Anselm opposes the king. Consequence of this affair. The use the court of Rome made of it. They forbid bishops doing homage to princes.

16. Robert duke of Normandy takes the advantage of this controversy; lands in England. Pope Paschal attempts to persuade the king.

17. The great council assert the right of the king. He sends new ambassadors to Rome on this occasion; threatens to leave communion with the church of Rome, if they do not give up their pretensions to investiture.

William II. 1. **H**OWEVER matters went at Rome, the world had not
1100. yet learned to dread the thunders of the papacy: at least they did not reach to England; for the king remained immovable, and the bishops, from whom Anselm expected assistance, as they had unanimously advised him to submit to the king and renounce the see of Rome whilst he was in England¹, so they remained steady in their duty to the king and their country, notwithstanding what had since passed at Rome. And therefore England still went on in its old way,

¹ Eadm. Hist. Nov. II, p. 48, 49.

the king in giving, the clergy in receiving investitures from William II. his hand; and the threats of Urban and the accomplishments of Anselm were so little considered, that that prelate was suffered to remain an exile till the death of the king made way for his restoration. And this new doctrine of the papacy went down so heavily in other places, that a great body of the clergy, and amongst them several cardinals and Italian bishops, openly opposed it under the name of the Hildebrandine heresy, and, in a synod held in Rome, drew up and published a synodical epistle against it². 1100.

One would have thought that so violent a shock, added to the general opposition which this doctrine met with from all the western princes, had been enough to shame so groundless and impious an imposture out of the world. However, it had this effect upon Anselm, that, though he wanted no zeal for the party in which he engaged, yet he had so little hopes of prevailing against the laws of the state and the settled judgment of the English church, that he desired to give up his bishopric and retire to a monastery: but his learning and virtue gave such advantages to the court of Rome, and the character of their martyr made so fair a colour for their own designs, that, instead of permitting this fire to extinguish by his retirement, pope Urban made use of his authority to forbid him to resign his bishopric³. But the king, having seized the revenues, was not much solicitous about the title; and his persuasion, that the bishop of Rome had nothing to do in England but when he thought fit to permit⁴, being a part of the then received law of England, every thing remained quiet till a new turn in the affairs of the state revived this unhappy controversy in the church; and this turn was occasioned by the death of the king.

2. King William the Second being unfortunately killed in the beginning of August this year, and before the return of Robert his elder brother from the Holy Land, Henry his

² [This meeting took place in August 1098. It consisted of adherents of the antipope Clement, who met together, as their epistle says, "ad destruendas hæreses, noviter ab Hildebrando inventas, et antiquas sub nomine pietatis impie ab

ipso renovatas"; but the letter does not specify what they meant by the word "hæreses".] Baron. Annal. an. 1098, xi.

³ Eadm. *ibid.*

⁴ *Ibid.* p. 54, 10.

Henry I. younger brother and fourth son to William the First, taking
 1100. the advantage of his brother's absence, possessed himself of the crown of England. He was a prince of great wisdom and conduct, but had mighty difficulties to struggle with: he remembered how lately and by what methods his father had obtained the crown; that, besides the title which Robert duke of Normandy had as elder brother, by an agreement betwixt his brothers, Robert and William, the succession was to fall upon Robert as the survivor: he well knew how sore the minds of the English were under the ill government of his brother and the harshness of the Norman laws; that his brother Robert had acquired honour by engaging in the holy war; that the title of king of Jerusalem had been offered to him; that that undertaking had made him an interest in the court of Rome; that he was in his way home, and would doubtless dispute his title to the crown; and therefore that it much imported him to provide against such near and formidable dangers.

This was a juncture which needed all his precaution and address; and accordingly this prince turned his thoughts every way to secure his interest in England. He applied himself to show his abhorrence of his brother's ill government by ordering that his unworthy minister Ranulphus, bishop of Durham, should immediately be seized and carried to the tower¹; and, to give all assurance that for the future the like mischiefs should be prevented, he promised to abolish the laws which had given so much uneasiness to his subjects, and to govern justly².

To break the interest which his brother had in the court of Rome, or at least to stem the danger which the intrigues of that court might draw upon him, he resolved upon the most likely method to make his court with pope Urban³; and this was by recalling Anselm: for, having a complication of distempers to deal with, like a wise physician he chose to increase

¹ Sax. Chron. an. 1100.

² Ibid. [The famous charter of Henry I, which he granted on the day of his coronation, is printed in Blackstone's History of the Great Charters p. iv note, among the Charters of Liberties in vol. I of the Sta-

tutes of the Realm ed. 1810, and in Thorpe's Ancient Laws &c. pp. 215-217.]

³ [Urban II died July 29, 1099, and was succeeded by Paschal II, elected August 13 following.]

the more remote and slower danger, rather than not put a stop to the disease which would bear no delay, and presently recalled that prelate, though he could not but be sensible that it was curing a present inconvenience by opening a way to a future danger. And so it happened: for Anselm returned with the spirit of the court in which he had lived, elated with an opinion of his cause and sufferings, and justified his past conduct by new accessions to his bigotry, and openly avowed the dangerous opinions which he had before concealed; and such haste did he make to set the church and nation into a flame by those wicked maxims which had already done so much mischief abroad, that the first time he waited upon the king he gave him a view of all those troubles which he afterwards created.

Henry I.
1100.

3. The new doctrines broached by Hildebrand, or, to give it the name it well deserved and which was bestowed upon it at Rome, the Hildebrandine heresy¹, did so exactly answer the views of that ambitious prelate, and did in every particular lie so cross to the natural rights of princes, that in every step they still thwarted with one another. And the issue of the first meeting of the king and the archbishop was answerable. For the king having not only been crowned², but having also received the homage of the bishops and nobility, those about the king called upon Anselm to do his homage to the king: to which demand without further delay Anselm immediately answered, that he neither could nor would, for that he was forbid so to do by the council of Rome; alluding to that council wherein he had lately been present, and by which the clergy had been forbid to receive investitures from princes or to do them homage: and therefore, in an air haughty and becoming the new notions of ecclesiastic liberty, Anselm further added, that if the king would receive and observe the decrees of that council, they might live in friendship together; but if not, he could not in honour stay in England, especially if the king should give bishoprics or abbeys; for then he

¹ Baron. Annal. an. 1098, xi. [See before, § 1 of this chapter, note 2.]

² [Henry I was crowned on Sunday, August 5, 1100; three, or at the most four, days after the death of William Rufus. Anselm landed

at Dover on September 23 in the same year; and this interview took place at Salisbury a few days afterwards. Eadm. Hist. Nov. III, p. 55, 38, p. 56, 1.]

Henry I. should be under a necessity of refusing communion with the
 1100. king and all those who should receive investiture from him; nor did he return into England with intention to stay, if the king will not yield obedience to the pope: "and therefore," saith he, "I desire the king would declare his mind, that I may know what I have to do"³.

It is hard to say by what arts the court of Rome charmed Anselm into a zeal so fatal to the rights of the crown, when the design to break in upon his rights as metropolitan and primate of England, by introducing the legatine power, went hand in hand with the design upon the crown, and lay so open and plain to view that it was almost impossible to overlook it: for no sooner was Anselm returned, and thus laying out himself in the interest of the papacy, but pope Paschal, seeing the king under difficulties and Anselm wholly in his interest, thought this a fit opportunity to attempt to have his legates received; therefore the same year that Anselm returned from exile he sent Guido archbishop of Vienne with the character of his legate into England⁴.

1101. 4. Anselm was now big with the merits of his sufferings, and the services which he was doing for the papacy, and it could not but be a mighty mortification to see an attempt to humble him in the height of his services, and by the same authority too which he had so zealously advanced: therefore Eadmer his secretary, and who doubtless spoke the sense of Anselm, cried out against this as a new and unheard of usurpation¹. And there is no doubt that Anselm had great reason to dread a power, which had never been heard of in England before but when it was called in by king Offa to divide the province of Canterbury², or by king William the First to colour the deposition of his predecessor archbishop Stigand³, and which could never make a figure in England but from the spoils of that power which he was more particularly bound to defend. But his struggles, like the efforts of dying men, however vigorous for a time, had been all in vain, if Providence had not come in to his relief, and

³ Eadm. *ibid.*

⁴ *Ibid.* p. 58, 40.

¹ *Ibid.*

² [See before, I, xii, 10.]

³ [See before, II, i, 8, 9.]

by his death delivered him from the dishonour which in less than twenty years after fell upon his successors. Henry I. 1101.

As for the present, the king and his great council were so sensible of the danger of breaking the ancient discipline of the church and of letting in a foreign power, that they came heartily in to the wishes of Anselm, and forced the legate to retire without suffering him to execute his commission, or so much as owning his character⁴. Such a mighty difference does interest make in the judgment and conduct of the same man. The design upon the crown and the English church, or, to speak more properly, the design upon all the western princes and the western churches, had the same beginning, and advanced hand in hand together; and the same men that contrived and carried on the one did at the same time form and conduct the other; and all the noise and outcry made for the liberties of the church and the clergy aimed at nothing else but to deceive the clergy into the design, that they might themselves become an easier prey, and that by being separated from their princes they might fall inevitably and unpitied into servitude. But though this lay so open that, if God had not given up men to a spirit of blindness, it had been impossible to overlook it, yet all this, added to so direct an outrage to his authority as primate of England, did not open the eyes of Anselm wide enough to see the folly and mischief of the designs he was carrying on. Therefore, leaving this matter of the legatine power till it meets us again in the following story⁵, I shall return to observe his conduct after the retirement of the legate.

5. In the dispute betwixt William the Second and Anselm, the controversy seemed to lie in a lesser compass, and the turn and air seemed different from what it now appears: yet, when that prelate came to state the reasons of his exile in his epistle to pope Urban, he told him plainly, that he could not with the safety of his soul live in a country where he saw the canons of the church forced to give way to the laws¹. And

⁴ Eadm. *ibid.*

⁵ [See below, viii, 6-17; ix, 1, 4, 13-15, 19; x, 1, 4, 5, 8-10.]

¹ Anselm. *Epist.*, Eadm. *Hist.* Nov. II, p. 43, 45-51. [It is but fair to add, that, besides the dispa-

ragement of the canons of the church, Anselm complained of other things, which he said he could not safely tolerate. Compare Eadm. I, p. 24, 13.]

Henry I. this makes an article in the account that Eadmer gives of his
 1101. leaving England: so that, whatever face was put upon it, the Hildebrandine doctrine was at the bottom of the dispute. But because the controversy about the right of investiture, or, in other words, whether temporal princes had a right to govern their clergy and to dispose the preferment of the church, is one of the greatest subjects of story this age affords, and the issue thereof drew mighty changes after it, it will be impossible to set our ecclesiastic history in a true light without observing the rise and motions of this controversy. I must therefore, before I enter upon the disputes on this subject in England, ask the reader's leave to lead him abroad to view the original and progress of this affair before it disturbed the peace of the English church.

When the empire became Christian, great care was taken in modelling the polity and external government of the church in such manner as might best answer to the platform of the empire; and Rome being the metropolis of the empire, that circumstance occasioned a more particular deference and regard to the bishops thereof; and this went so far, that upon this ground those prelates not only acquired the title of patriarchs, but the first place in all ecclesiastical assemblies². And this gave beginning to a spirit of ambition which appeared very early, and occasioned the controversy about Easter betwixt the eastern and western church, as well as that about appeals betwixt the bishops of Rome and the churches of Africa³. But as the pretensions of late advanced by pope Gregory were then unthought of, the claim of the bishops of Rome was for the most part kept within the bounds of the canons, till the decay of the empire gave those prelates an opportunity to raise themselves to the state of temporal princes. And if that church had not fallen into the hands of such a succession of profligate wretches, which,

² [See Bingham's Orig. Eccles. II, xvii, 20, 21; and IX, i, especially §§ 4, 7.]

³ [The arrogance shown by pope Victor I about the year 196 in the controversy concerning Easter has been mentioned before, I, ix, 9, note 2. On the claims of pope Zosimus to receive and determine

appeals, advanced in 417 or 418 against the African bishops, see likewise before, I, xi, 12, note 6. But Cyprian also, about the year 255, had occasion to resist the presumption of pope Stephen I on the same subject. See Morton's Catholic Appeal II, xxi, 4; IV, viii: Field Of the Church V, xxxix.]

if Platina the writer of their lives says true of them, are nowhere else to be found⁴, the advantages they had betwixt the latter end of the eighth century and the middle of the eleventh would doubtless have turned to such account to them, that we should not now have found them striving to raise themselves on the ruins of the secular power.

Henry I.
1101.

6. But, whatever steps had been made before, it is too notorious that in the eleventh century the court of Rome formed a design to set up a new monarchy; which, though pretended to be founded on the authority of Christ and the power which he had given to his church, was yet to have the oversight and conduct of the temporal power, at least of the persons who were to support it. In order to this new monarchy, it was a matter of the first importance to lessen the secular power by drawing the clergy from their dependence upon the princes under whom they lived and bringing the wealth of the church into the disposal of the court of Rome.

This was an undertaking which required great conduct and address: for as Christian princes had been the nursing fathers and protectors of the church, and in many instances added to the authority and interest which the bishops challenged in right of their holy functions, so, from the time that nations became Christian, in the choice of bishops a mighty deference was ever paid to the princes under whom they were to live. And since they owed the protection of their persons and the free liberty to exercise their offices to their power, their subsistence to their charity, and the settlement thereof to their laws, nothing could be more reasonable than that Christian princes should have the disposal of their own favours, and be entirely satisfied in the persons to whom they entrusted a part of their own power and the care of their own and their people's souls. And because, by virtue of those laws by which provision was made for the maintenance of the clergy, those who were raised to the order of bishops in the church did thereby acquire a temporal right and civil property for the term of life; therefore the western princes, taking pattern from the methods by which the feudal law did usually convey estates for term of life, that is, by delivering a

⁴ [See before, I, xxii, 16.]

Henry I. ring and a staff to their bishops, testified their approbation
 1101. and good-liking of the persons chosen, and put them into possession of the temporalities which they were to enjoy under them: and this was called Investing, and the ceremony by which it was performed Investiture.

7. Nor was this the case of princes only, but in some measure of the nobility and gentry too; for as the building of parochial churches and endowing them with lands was chiefly owing to them, so they had upon this ground a considerable share in providing for them. For though the ancient canons did not suffer a church to be built, much less to be filled, but with the approbation and good-liking of the bishop in whose diocese it lay; yet, the patron having nominated the clerk, and the bishop ordained him to the church to which he was nominated, and thereby committed the cure of souls to his charge, the patron put his clerk in possession of the lands and tithes; that part of Institution which relates thereunto, as well as the ceremony of Induction, being never generally received into the English church till the late canons against lay investiture made way for them¹. And this I take to be one, if not the most prevailing, reason why the nobility of England so steadily adhered to the king in the controversy upon this subject: their interest was bound up in that of the crown.

Nor were these usages peculiar to England, but, if I am not mistaken, extended as far as the influence of the feudal law, that is, to all those nations which had been overrun by the Goths, Vandals, Franks, and Saxons; and consequently extended to Italy, Germany, Spain, France, and Britain. And as this usage was of the same extent, so in probability it was as ancient as the settlement of Christianity amongst those people. But thus much is certain, that this usage had so long taken place amongst the undisputed rights of princes, that the author of the notes on Platina has well observed, that Gregory the Seventh was the first bishop of Rome who asserted investitures of bishops the right of the papacy²; and

¹ [See Selden's History of Tithes pp. 85-88, 374-378.]

² Platin. Vit. Greg. VII, p. 177. [It does not appear what edition of

Platina's Lives of the Popes was used by Inett. In all the editions now in the Bodleian Library the annotation of Panvinus calls Gre-

the mighty struggles made by the emperors and other western princes to defend their right to give investiture to their bishops, and the reasons on which their defences were founded, show us that writer had great reason for what he said. Henry I. 1101.

But, whatever the case of other princes was, for several ages the kings of England had enjoyed this as the inherent right of the crown³; and accordingly Ingulphus, who had lived under Edward the Confessor, and wrote about this time, speaks of this as a very ancient usage⁴, and is generally followed herein by our historians.

8. One who considers, that although Christ and his apostles did determine that the labourer was worthy of his hire, and that they who served at the altar had a right to live by the altar¹, yet that they neither ascertained the nature or the measure of that provision which should be made for them, much less the circumstances and manner of conveying it, but left at least all the circumstances of that conveyance entirely to the charity and prudence of men, must conclude it highly reasonable that princes who endowed the church should prescribe the manner of conveying the endowment which themselves had made; and yet this was all that was meant by Investing, and all that princes contended for. But that it should be charity becoming a prince to put the first bishop of a diocese into the possession of the estate he had first bestowed upon him, and yet a great sin in a succeeding prince to do the very same thing over again for the succeeding bishop, or, in other words, that the very same act accompanied with the same circumstances and directed to the same end should be both a duty and a sin, is so wild and groundless an imagination, that we must look somewhere else for the reasons why it was called idolatry and simony for a prince to give or a bishop to receive possession of his temporalities from his hands.

gory "totius ecclesiasticæ libertatis unicum assertorem", but says nothing expressly about investitures.]

³ ["Usque ad illa tempora" (sc. temp. Guil. Rufi) "reges conferebant omnes episcopatus in Anglia per

investituram annuli et baculi." T. Chesterfeld de Episc. Coventr. et Lichf.,] *Angl. Sacr.* I, 434.

⁴ *Hist. Ingulph.*, coll. Gale p. 63.

¹ [Luke X, 7; 1 Cor. IX, 13, 14; 1 Tim. V, 17, 18.]

Henry I. The truth is, princes by disposing the revenues of the church were well assured of the persons to whom the immediate care of the church was committed, and the clergy were kept in an entire dependence upon them; and this so united the interests of princes and their clergy, that, whilst that union was continued, it was impossible for the bishops of Rome, who had no fleets or armies, to lessen their authority. And without this the new monarchy was never to be raised: for those prelates could never hope to come to a command of the world but by taking it out of the hands of princes who were in possession of it; therefore this universal monarchy could never be raised but upon the ruins of the secular power.

This design had been framed some time before Gregory the Seventh got into the papal chair, and some advances had been made towards it by artifices and secret trains: but that prelate coming to the papacy in the year 1073, his haughty and overbearing spirit could not submit to the slow methods of his predecessors; therefore he presently took off the veil, and openly avowed what they had acted in the dark, and declared the authority of the bishops of Rome superior to that of kings, and the investiture of bishops the sole and incommunicable right of the papacy, and audaciously forbade the then emperor Henry the Third to make any pretence to it². And he confirmed this new doctrine by a provincial council the same or following year³, and in another, about three or four years after, declared lay investitures to be idolatry⁴ and simony. And the better to colour this new and impudent pretence, and let the English church see it was to have a share in the mischiefs thereof, his successor pope Urban in a council, wherein Anselm archbishop of Canterbury was present, confirmed the imposture⁵.

9. Hence in a little time it came to pass, that that usage,

² Platin. Vit. Gregor. VII. [Platina tells us that Gregory immediately cautioned the emperor not to confer bishoprics or any other ecclesiastical benefice simoniacally, by which the pope perhaps pointed at investitures, but he did not expressly speak of them. See the next note.]

³ [The first decree against investitures was made in 1075. Pagi on Baron. an. 1075, i-vi.]

⁴ [Concil. Rom. an. 1078, Mansi XX, 517. But Pagi, as cited in the preceding note, places this in 1075.]

⁵ [See before, II, iv, 15.]

which for four or five hundred years had been thought a very harmless and innocent rite, and such as the most holy bishops and abbots through the western nations had universally and without the least scruple submitted to, was every where about this time reproached with the name of idolatry and simony; sins of so black a nature as became fatal to the character, as well as to the reputation, of a bishop. The corrupt practice of princes in disposing of ecclesiastical preferments, too common in this age, was the cover to this pretence, and made it pass for zeal, and gave reputation to it amongst some men who meant better than they could judge, and who did not see into the bottom of it. But, as Mezeray observes, the true reason by which Gregory acted was a desire of the empire of Italy, and to subject all princes to his pontifical chair¹; and it is very evident that that learned writer judged truly of the conduct of that prelate.

Henry I.

1101.

But it is the common lot of all impostures, that they never look fair but at a distance: so that, however specious this new pretence of the court of Rome might appear elsewhere, it was very difficult to persuade the emperor, that those were of a sudden become his masters who for near a thousand years before had been the subjects of his predecessors, and that he ought to sit down quietly, and be called to an account and chastised by those to whose obedience he had reason to believe he had a just and undoubted right. And therefore this was looked upon as, [what]² in truth it was, the boldest and most insolent insult that had been ever offered to the sovereignty of the emperors; and it was treated accordingly by those princes.

Gregory well knew that the grandeur of the papacy was chiefly owing to the favour of the emperors; that the marks of their sovereignty were yet fresh in Rome itself, and their power so great that the papacy had nothing more to fear than that it might some time or other be humbled by the same power by which it had been raised: but he was sensible too, that the imperial was at this time the formidable power

¹ Mezeray, Abreg. Chronol., Phil. I, an. 1095, vol. I, p. 366 ed. 1668. [In a later edition in 1690, vol. I, p. 428, the observation is applied to all the popes who were engaged in the contest with the emperors about investitures.]

² [The word "what" is not in edit. 1.]

Henry I. to all the neighbouring princes, and that it was their interest
 1101. to see it humbled; that the present emperor Henry the Third³ did stand upon ill terms with some of the German princes, especially with the Saxons; and that it would be a mighty advantage to his design, if he could break in upon the rights of the empire. Therefore he employed all his arts to alienate the affections of the emperor's subjects at home and to raise him enemies abroad, and by these means drew so many difficulties upon that prince, that he was forced to make his peace with him, and with all the circumstances of mortification to ask Gregory's pardon for the wrong he had himself received, and yield to him the title of our lord Gregory the Seventh⁴.

10. When this dispute broke out again, and Henry prepared an army to chastise the rebellion of Gregory, that prelate excommunicated him¹, and, by the help of that great party which he engaged against him, deprived the emperor and set up Rodolphus in his stead²; and, when he was killed in battle, he managed this affair so artfully, that he engaged

³ [This is an accidental error for "Henry the Fourth". See before, II, ii, 15. The emperor Henry III died October 5, 1056, and was succeeded by his son, Henry IV, who was not yet six years old. The war of Henry IV with the Saxons began in 1073, the year in which Gregory VII became pope.]

⁴ Platin. Vit. Greg. VII. [In the document which the emperor signed on his submission to the pope at Canosa January 28, 1077, and which Gregory immediately sent to the German princes and prelates with whom he was in correspondence, the title he gives him is "Dominus Papa Gregorius". Greg. VII Epist. IV, 12.]

¹ [Gregory excommunicated Henry for the first time in a council at Rome in Lent 1076. After Henry had renounced the agreement which he made on his submission in 1077, he was not again excommunicated expressly and by name until the synod which met at Rome in Lent 1080; but at least one general decree of excommunication was passed in the interval, which

might include him. Concil. Labbe IX, 356, 370, 383; Mansi XX, 468, 504, 534.]

² [Rodolf duke of Swabia was elected emperor in the room of Henry IV at a meeting of disaffected nobles and prelates convened for the purpose at Forchheim in Bavaria on March 17, 1077. The pope, both in his second decree of excommunication against Henry, and in a pastoral letter written after Rodolf's death (Epist. IX, 28), declared solemnly that this election was made without his advice or privity; and his declaration, taken literally, may have been true. But two of his letters before the event, Epist. IV, 3, 7, show clearly that he did stimulate and encourage the rebellious chiefs to choose a new sovereign, although he did not expressly tell them on whom their choice should fall; from several letters afterwards, Epist. IV, 23, 24, 25, V, 7, 15, VI, 1, it is evident that he approved and most artfully sanctioned the election; and at length in his second decree of excommunication he openly adopted and maintained it.]

Henry the son of the emperor against his own father, and by the arms of his son took the father prisoner; he did indeed escape from prison, and fled to Liège, yet never was restored, but there lived and died an exile. Henry the son seeing himself by the death of his father in quiet possession of the empire, his interest opened his eyes, and he resolved to preserve the imperial right to investitures. Gregory with equal resolution opposed him, and a new and bloody war begun again upon this foot; wherein the emperor was successful, and forced Gregory to leave Rome, and to fly to Salerno, where he died; and Clement, the antipope set up by his father, was placed in the chair by the death of Gregory in the year 1085³.

Henry I.
1101.

Thus this controversy, after a great expense of blood, was quieted for a while: but though Gregory, who had first avowed the design of taking this power out of the hands of princes, died, yet the same unhappy spirit descended to the faction he left behind him. Victor the Third was his immediate successor, and upon his death Urban the Second, men of the same spirit. But the pontificate of Victor was so short, that he had time to do nothing but to show he did not want a will to do mischief: but Urban the Second succeeding, that pretence of the papacy was revived again with more art and better success; for that prelate resolved to do his own business by turning the arms of princes another way. He laid his scene at a distance, and so successfully charmed the western nations, that a very great part of them were persuaded that the court of Rome was carrying on the cause of God, when in truth it had nothing but its own ends and designs in

³ [Rodolf was mortally wounded in the battle near Merseburg on the Elster October 15, 1080.

Gregory VII in 1084 was besieged in the castle of St. Angelo at Rome by the emperor Henry IV, but was rescued by Robert Guiscard, duke of Apulia and Calabria, under whose protection he retired to Salerno, and died there May 25, 1085.

Henry, son of Henry IV and his successor with the title of Henry V, was born in 1081. In 1105, stimulated by Paschal II the third pope

in succession from Gregory VII, he placed himself at the head of his father's rebellious subjects, marched against him, and without the necessity of a battle succeeded in dethroning and imprisoning him before the end of that year. The prisoner soon contrived to escape, but died at Liège August 7, 1106.

In 1111 Henry V proceeded to enforce his right to investitures against pope Paschal. See below, vii, 1.]

Henry I. view. For these purposes in a council held in Clermont in
1101. France in the year 1095 that prelate published the right of
the papacy to the investiture of bishops⁴.

11. To make this pretence go down the better, with all the shows of holiness and devotion, he set on foot the war for the recovery of the Holy Land¹. Now this hitting upon an ignorant and warlike age, charmed with grimaces and the appearances of a devotion out of the way of the best ages, the design, (which, if it had happened sooner in the truly devout or later in the more knowing ages of the world, would have been esteemed as the effect of visions and dreams, a wild bigotry, or somewhat worse,) took so universally at this time, that in the compass of about two years after the council of Clermont an army of three hundred thousand men was got ready for that expedition², and a great part of Christendom by the artifices of the court of Rome and those they entrusted therewith were deceived into a belief, that they should be entitled to the merits of Christ's death by hazarding their own, and make sure of the merits and satisfaction of his blood by being baptized in the blood of infidels. And this expedition was so magnified, that men were persuaded that taking the cross and going to Jerusalem would atone for every sin, and answer all the purposes of repentance and holiness; and accordingly pardons were granted³, and assurances of salvation put upon this bottom.

⁴ [See before, II, iv, 11.]

¹ Spondan. Epit. Baron. an. 1095, iv, v.

² [See before, II, iv, 14, note 2. The licentious and disorderly masses who set out for the east in several detachments under Peter the Hermit and other irregular leaders before Godfrey of Bouillon began his march in August 1096 are estimated by Michaud, *Histoire des Croisades*, Livre II, Tome I, p. 162 ed. 4, at three hundred thousand in the whole; almost all of whom perished in Hungary, Bulgaria, or the plains of Nicæa. Michaud says that Godfrey's own forces amounted to ninety thousand men, and that the number of the united army which began the siege of Nicæa in May 1097 exceeded six hundred thousand. Ibid.

pp. 166, 206.]

³ ["Pro stipendio erat indulgentia peccatorum proposita." Baron. Annal. an. 1095, l. Plenary indulgences appear to have been first granted by pope Gregory VII. Baron. Annal. an. 1084, xv; Greg. VII Epist. VI, 15. But the general and recognised use of them dates from the proclamation of the first crusade by Urban II at the council of Clermont. Long before the holy wars were over it was found that the practice might be turned to good account; and after they came to an end the court of Rome retained and increased the profit to themselves by means of the jubilee, a device of Boniface VIII in the year 1300. Afterwards indulgences came to be almost hawked about for sale by licensed

How the holy warriors sped in the other state I shall not presume to judge, but their expedition turned to no account as to this world. For the most part of them, they perished in the undertaking; and those few which returned, in exchange for mighty fatigues, infinite dangers, and vast expense of treasure and blood, brought home poverty, wounds, diseases, superstition, and pretended relics. And indeed men seldom speed better who are wise out of the ways of God, and pretend to new and untrodden ways to heaven.

Henry I.

1101.

But, however the undertaking sped, the court which contrived and conducted this affair found its account in it. Gregory the Seventh first formed this design⁴, and the use his successors made of it shows what he intended by it; for under the pretence of this war in the east the court of Rome set afoot and carried on another in the west for the enlargement of the papal power⁵. And the effects of these two undertakings, though very different, were so agreeable to the reasons to which they owed their beginnings, and so equally mischievous, that it is hard to say which of them occasioned the greater mischiefs to Christendom. One who considers that three hundred thousand men went out of the west in one expedition⁶, and that the numbers which returned were very inconsiderable, and that this war lasted near two hundred years, and that, though the vigour with which it was pushed on was not always the same, yet the expeditions were very great and frequent, and the numbers which returned ever inconsiderable; and thus computes the prodigious and almost incredible expense of Christian blood shed upon this occasion; and will add to this the infinite numbers of the eastern Christians who either perished therein or in the quarrels betwixt the eastern and western Christians occasioned hereby; will find cause to think that this war cost more Christian blood

"pardoners", till in 1517 Luther's indignant protest against the unholy traffic led the way to the Reformation. See Stillingfleet's Discourse concerning the idolatry practised in the church of Rome Ch. VI, § 4, Works vol. V, p. 186, printed also (so far as regards the part here cited) in Gibson's Preservative against Popery Tit. VIII, Ch. iv.]

⁴ Baron. Annal. an. 1095, xxxiv.

[See Michaud, *ibid.* Livre I, p. 86.]

⁵ Duaren. de Benefic. III, 2. [The growth of the papal power is here spoken of, but not in connection with the crusades.]

⁶ Spondan. Epit. Baron. an. 1096, ii. [See note 2 on this section. Michaud, *ibid.* Livre IV, p. 506, says that the first crusade cost Europe more than a million of men.]

Henry I. than ever had been shed before from the very foundations of
1101. the Christian church.

12. Whilst one's thoughts dwell upon this melancholy story, one is apt to think that the mischief on this side is past comparison. And yet when one¹ turns the other way, and sees the supreme authority in the church made the reward of ambition and blood, and those to whose contrivance the havoc and desolation of a great part of Christendom was owing raised thereby to head the affairs of almost all the rest, and using that power in a manner very suitable to the ways by which it was obtained, will find great reason, if not to alter, yet at least to suspend, his judgment, till he has time to look forward and observe the use the court of Rome made of this war; for all the quarrels of that see against the eastern church were by this means paid home in full measures of revenge. In short, the ruin of the eastern church and the slavery of the western seem to be chiefly owing to this unhappy war. For under this pretence they sent the warlike western princes they could not trust to perish in the east, and so exhausted the people and the treasure of the western nations, that one cannot choose but think that this was the most fatal blow that the Christian church ever received: and, which is sadder still, whilst so much Christian blood was sacrificed to the ambition and wickedness of the court which contrived and managed it, that court was enriched by the spoils of Christendom, and, watered with the blood of Christians, flourished and grew up to a height which rendered it formidable to the nations it had first depopulated and impoverished, and was made great by the greatest mischiefs that were ever done to the Christian world.

I do not say this from any heat or prejudice to the court of Rome, but from a sincere compassion and concern for the church of Christ, and from the most unbiassed judgment one can make of this affair; and one who well considers by whom this war was first preached, by what steps it was carried on, who managed it, and who were the only gainers by it, will see but too much reason for a charge of this heavy nature. But that which has led me into this melancholy subject is to

¹ [If instead of "when one" we read "one who", the sentence will be consecutive.]

show how it came to pass that the court of Rome made such great steps about this time, and how princes and nations were tamed and broken to their yoke. Henry I. 1101.

But if I am mistaken in the true causes of that long war, the mistake is not originally mine, but as ancient as the war itself. For, notwithstanding all the art that was made use of for that purpose, the true springs of the war lay so open, that pope Adrian the Fourth in an epistle to Lewis king of France, who had made an unfortunate expedition to Palestine, says that the church of Rome, which advised and countenanced that undertaking, was not a little blamed for it; that all men's mouths were opened against that church, and cried out with great indignation against it, as the author of the expedition which had occasioned so great mischief to France²: and St. Bernard, who had been made use of by the court of Rome to preach up this expedition, and in order thereunto had been very lavish, but very wrong, in promising success, had, as himself observes³, a share in the reproach which fell upon that court; and Peter the hermit, who led a vast body of men into destruction, had still a greater⁴.

13. But if that war was not begun and carried on to serve the purposes of the court of Rome, one may say with an assurance past contradiction, that during the continuance thereof the court of Rome gained the right of investing bishops, the right to appeals, the legatine power, a power to convene and preside in national councils, the exemption of the persons and estates of the ecclesiastics from the secular power; they overturned the rights of princes and national churches; made themselves esteemed the disposers and proprietors of the wealth of the western church; and in short they accomplished the designs which Gregory had formed, and raised the monarchy which he projected to such an height as nothing but the boundless ambition of that prelate was ever able to conceive.

Though this work was at present only begun, and perfecting

² [Hadr. IV Epist. 23,] Concil. Labbe X, 1160, [Mansi XXI, 811.]

³ Bernard. De Consid. II, i.

⁴ [Peter the Hermit, the prime mover of the first crusade, himself led to Constantinople the first de-

tachment, about a hundred thousand men, whom however he was quite unfit to command. See Michaud, *ibid.* pp. 134, 161; and his article on Peter in the *Biographie Universelle.*]

Henry I. it was the work of time, yet I have laid it together in one
 1101. view, partly to show the spirit by which the court of Rome acted in all the attempts they made upon Christian princes, partly to lay open the pretences by which they covered their true meaning, and partly that, by showing us what methods they made use of to force the right of investing bishops out of the hands of Christian princes, the reader may be enabled to make a true judgment of the dispute betwixt that court and the kings of England, to which I am now to return.

14. Anselm having, as has been said before, refused to do his homage to the king, and roughly told him, that, if he did not submit to the late canons against lay investitures, he would not consecrate the bishops that should be so invested by the king, nor hold communion with them, he had an opportunity at this time to put his resolution into practice: for the bishoprics of Winchester and Salisbury being at this time void, and no less than twelve abbeys¹, the king with the advice of his council would immediately have filled up the vacancies; but in such manner as his predecessors had done, by giving investitures to the persons he had designed for those trusts. The bishops and nobility were all on the side of the king², and with so much warmth and resolution asserted the ancient rights of the crown of England, that they plainly told Anselm they would drive him back again, and leave the communion of the church of Rome, rather than suffer the laws of England to be violated by papal decrees³.

Such was the language of the great council of England; a way of speaking that would lead one to believe, either that the English church was not yet acquainted with the necessity of living in communion with the church of Rome, or that the religion and the laws of England were at variance one with another, and that our ancestors were contented to maintain their laws at the price of their salvation. But if we add to

¹ Sax. Chron. an. 1100. [The Chronicle says that the bishoprics of Winchester and Salisbury and eleven abbeys were vacant at the death of William Rufus, and that Henry immediately gave the bishopric of Winchester to William Giffard. Among the witnesses to the charter granted

by Henry at his coronation (see § 2 of this chapter, note 2) the name of William bishop elect of Winchester stands second. See more concerning him below, vi, 3.]

² J. Sarisb. Vit. Anselm., Angl. Sacr. II, 170.

³ Anselm. Epist. ibid. p. 178.

this, that the conduct of Lanfranc and the whole English church in the preceding reign was all of a piece, and such as puts it beyond a doubt that the English church and nation did at that time know no necessity of such subjection to the bishops of Rome as was any way inconsistent with the law of England, one must conclude that the great council of England did at this time act up to the principles of their faith, as well as to the rules of law, and were fully persuaded that the religion and the law of England were both of a side, and that the designs of the court of Rome did at the same time offer violence to them both.

Henry I.
1101.

15. On the other hand, Anselm opposed to the aforesaid council the decrees of pope Urban¹, and again declared that he would not consecrate the persons that the king invested². The king could not but be sensible, that to part with his right to investitures imported no less than to give away a great branch of his supremacy, as well as the patronage of the church; and that by remitting the homage which had been ever done to the preceding kings of England he should in a great measure discharge the bishops and abbots, and consequently the whole body of the clergy, from their duty to him as their prince. This was what was intended by Hildebrand, who first broached this pretence; and it is very evident that, in consequence of the right of the papacy to invest bishops, that prelate challenged their homage too³. And the oath of fidelity the bishops of Rome afterwards forced upon bishops and abbots was contrived by him, and appears first in his epistles, and was from thence transcribed into the Decretals⁴, and had its beginning and foundation in their pretended right to investitures. Indeed their claim to an oath of fidelity was a necessary consequence of their right to invest; for it was a maxim of the feudal law, that fealty ought to follow investiture⁵.

¹ Diceto de Archiep. Cantuar., Angl. Sacr. II, 686.

² Eadm. Hist. Nov. III, p. 56. [Eadmer does not say that Anselm repeated his refusal. Indeed it is only by implication that he represents him as refusing to consecrate these persons at all: what he makes him say is that he cannot hold communion with them.]

³ Richer, Hist. Concil. I, xiii, 4.

⁴ Ibid. [Decretal. II, xxiv, 4. In the Decretals this oath is cited from a letter of Gregory VII to the subdeacon Peter, but the letter itself is not to be found among his published epistles. The oath is nearly the same with the one cited before, II, iii, 1, as taken by the archbishop of Aquileia in 1079.]

⁵ Feudorum lib. II, tit. iv.

Henry I. As this was what was intended by Hildebrand, pope Urban
 1101. followed him both in that pretence and in the consequences thereof: therefore as he in the council of Clermont decreed against lay investitures, and in the sixteenth canon forbade the clergy's receiving investitures from their princes, so in the seventeenth canon he forbade their doing homage to them⁶. The king, who could not be ignorant of these things, judged truly of the consequence of this affair, and was exceedingly uneasy and perplexed with it. For, whether he yielded or refused, his danger was so equal both ways, that it was not easy to come to a resolution: to yield was not only to betray the right of the crown, but to provoke his friends who had adhered to him and his laws; and if he did not, he had reason to fear that Anselm and all the interest of the papacy would turn to his brother Robert duke of Normandy, who had already a great party in England, and was preparing to invade it. And, which is more, the same reasons which made the king unable to come to any resolution in this perplexed affair made the archbishop press it on the faster; well foreseeing that, if the king once got out of his present difficulties, it would not be an easy matter to bring him to a condescension so visibly injurious to the rights and honour of his crown.

16. However, to gain time, in hopes that some lucky accident or other might come in to his aid, the king agreed that this matter should be respited till the Easter following, and that in the mean time messengers should be sent to pope Urban upon this subject¹. Anselm saw into the bottom of this resolution, and well knew what would be the issue of it at Rome; yet he yielded to it. But Urban dying before the envoys came to Rome, and Paschal succeeding², this change gave so much delay, that they could not return by the time to which this affair was adjourned.

In this interval Robert duke of Normandy, having provided an army, landed in England, where many of the nobility went over to him, and more privately favoured his interest. This invasion added a new embarras to the affairs of the king,

⁶ Concil. Labbe X, 508, [Mansi XX, 817.]

¹ [Eadm. *ibid.*]

² [See before, in this chapter § 2,

note 3. The envoys did not return till some time after Whitsuntide. Eadm. *ibid.* p. 59, 40.]

and such as needed all the wisdom and address he was master of: but seeing himself in such circumstances that he had nothing but choice of plagues laid before him, and that he must either endanger his crown or part with one of the most considerable rights that belonged to it, he was not long in choosing; for, fearing lest the archbishop and his party should join with his brother, without waiting for the return of the ambassadors from Rome he resolved, if it was possible, to make sure of the archbishop by sacrificing his right to his present fears, and forthwith promised him that he would submit to the aforesaid canons of pope Urban, and permit him to exercise all the functions of an archbishop³. The king was not sincere in this particular; however, his promises turned to account to him, and helped to break the blow of which he had so much reason to be afraid: for this kept Anselm steady, and indeed made him very active in his service; and partly by his services, and partly by the conduct and good address of the king, the two brothers were reconciled, and a peace was made⁴.

Henry I.
1101.

By the time that this peace was concluded, the messengers sent to Rome returned with a long letter to the king, wherein pope Paschal takes a great deal of pains to prove investitures to be the sole right of the papacy, and labours mightily to prove his title from the holy scriptures, written above a thousand years before this controversy was ever thought of, and some ages before the world knew what an investiture meant; and from what our Saviour says of his being the door, and his command to give God the things that were his, he gives such demonstrations of his right as might with equal strength and reason prove any thing else that he had a mind to: on the other side, he bestows a great many hard words on the pretence of the crown⁵. But his reason and his eloquence were equally successful at court; for the king's affairs having now a better face, he sent for Anselm, and told him he expected homage from him, and that he would not suffer any one to live in his dominions who refused it⁶.

17. This was not only the sense of the king, but of his great council now assembled; who with so much zeal and

³ Eadm. *ibid.* p. 59, 22.

⁴ [Ord. Vital. X, pp. 787, 788, ed. Du Chesne.]

⁵ Eadm. *ibid.* pp. 59-61.

⁶ *Ibid.* p. 61.

Henry I. unanimity asserted the rights of the crown, that as well the
 1101. bishops as nobility insisted upon it, that the king ought not to yield obedience to the bishop of Rome¹. However, the king not willing too soon to bring things to extremity, it was again resolved at a great council held in Winchester to send new ambassadors to Rome to let pope Urban² know, that, if he did not give up his pretences, they would banish Anselm and his adherents out of the kingdom; that they would withdraw the obedience of the whole kingdom from him, and withhold the payments which were usually made to the see of Rome³. This rough and unwelcome message being thus resolved, it was not long before the king made choice of persons fit to be intrusted with a commission of this great importance: and these were Gerard archbishop elect of York⁴, Robert bishop of Chester, and Herbert bishop of Thetford; the king hoping that by the character and figure of his ambassadors and the pomp of the embassy the court of Rome might be brought to yield what was in truth before the right of his crown⁵. Baldwin and Alexander, the one a monk of Bec in Normandy, the other a monk of Canterbury, were the legates of the archbishop⁶.

¹ Ibid. p. 62, 7.

² [For "Urban" here we should read "Paschal". See before, in this chapter § 2, note 3.]

³ Eadm. *ibid*.

⁴ [Thomas archbishop of York died November 18, 1100. His successor Gerard was at that time bishop of Hereford, to which see he had been consecrated by Anselm after the death of bishop Robert in June 1095.]

⁵ [The letter which the king's ambassadors carried to the pope is preserved by Brompton *int. X* Scriptor. ed. Twysden 999. "Patri venerabili Paschali summo pontifici Henricus Dei gratia rex Anglorum salutem. Promotioni vestræ in sedem sanctæ Romanæ ecclesiæ plurimum congaudeo, petens quod amicitia, quæ patri meo cum antecessoribus vestris fuit, inter nos quoque illibata permaneat. Unde, ut dilectio et benignitas a me videatur sumere initium, beneficium quod ab antecessoribus meis beatus Petrus habuit

vobis mitto, eosque honores et eam obedientiam, quam tempore patris mei antecessores vestri in regno Angliæ habuerunt, tempore meo ut habeatis volo; eo videlicet tenore, ut dignitates, usus, et consuetudines, quas pater meus tempore antecessorum vestrorum in regno Angliæ habuit, ego tempore vestro in eodem regno meo integre obtineam. Notumque habeat sanctitas vestra, quod me vivente, Deo auxiliante, dignitates et usus regni Angliæ non minuentur. Et si ego, quod absit, in tanta me dejectione ponerem, optimates mei, ymmo totius Angliæ populus id nullo modo pateretur. Habita igitur, karissime pater, utiliori deliberatione, ita se erga nos moderetur benignitas vestra, ne, quod invitus faciam, a vestra me cogatis recedere obedientia." Spirited language! if his ambition and care for his immediate interests had not afterwards led him to forget it. See below, ix, 4.]

⁶ [Eadm. *ibid*.]

The ambassadors being arrived at Rome were just to the trust which had been put into their hands, and omitted nothing that they thought likely to bring that court into the measures of the king. But they had to do with men who had lost all sense of faith and integrity, except when truth and justice happened on the side of their interest: and the conduct was answerable; for, though beyond all doubt they never intended to gratify the king, yet so artfully did they manage this affair, that as well the ambassadors of the king, as the legates of the archbishop, were equally confident that they should be able to give a good account of their conduct.

Henry I.
1101.

CHAPTER VI.

AB ANNO 1102 AD ANNUM 1109.

1. Council meets in London. Ambassadors of the king and the legates of Anselm give different accounts of their transactions at Rome. King and council give credit to the king's ambassadors.

2. Anselm holds a provincial council: the transactions thereof. He refuses to consecrate the bishops of Hereford and Salisbury.

3. The king appoints the archbishop of York to consecrate them and the bishop of Winchester. He refuses to receive consecration from him. The king banishes him, and sends Anselm his ambassador to Rome; resolves not to permit his return.

4. The king sends ambassadors with Anselm, and trusts them with his secret; hopes to have his laws owned. The insolent answer of pope Paschal.

5. The king's ambassador at Rome forbids Anselm's return to England. Clergy refuse obedience to the canons against the marriage of the clergy.

6. Anselm remains at Lyons. The king gains the favour of Paschal. Anselm is seemingly discountenanced by him.

7. Anselm goes into France; pretends to excommunicate the king of England. This inclines the king to a seeming accommodation.

8. An agreement betwixt the king and Anselm. The king restores his temporalities.

9. The king, uneasy under his late agreement, lays an imposition on the married clergy. Anselm becomes popular: the reasons thereof.

10. Pope Paschal endeavours to end the controversy; makes some concessions in favour of the king. Anselm returns to England.

11. The king employed in the conquest of Normandy; returns to England; yields up the right of investiture against the sense of his council.

12. Anselm consents that the clergy should do homage to the king. The ill consequences of the king's concessions.

13. Vacancies of bishoprics filled up without investiture from the king. Monks of Canterbury demand the benediction of their new abbot at Can-

terbury. Anselm rejects their demand. He maintains his right as metropolitan against the papal legate.

14. Dangers of bigotry. A council assembles, the canons whereof require the celibacy of the clergy. Greatest and best part of the clergy were the sons of clergymen. Council puts an oath on the archdeacons to execute the aforesaid canons.

15. Diocese of Lincoln divided. Bishopric of Ely erected by the royal authority: the occasion and circumstances thereof.

Henry I.

1102.

1. **W**HILST this matter was under debate at Rome, and time was spent in the return of his ambassadors, king Henry had so managed his affairs in England, that he had not only broke and dispersed the storm which threatened him, but had sent his brother well satisfied back again into Normandy¹, and was at liberty to turn his thoughts to the business of the church². Therefore, his ambassadors being now returned, he summoned his great council to meet at London, where the accounts of the ambassadors of the king and the legates of Anselm were very different, the former affirming that pope Paschal had promised, if not to confirm, yet at least to connive at the usage of England in the matter of investitures, whilst the legates of Anselm did as positively affirm the contrary³. And it is very likely there was truth on both sides; for though Paschal promised the ambassadors that he would gratify the king, yet he told them that this favour must be kept as a secret, lest it should prejudice the right of the papacy in other kingdoms, and for this reason refused to give them his resolutions in writing⁴. This was all artifice and trick, and designed to deceive the king. But, whilst the ambassadors were thus deluded, Anselm's envoys were let into the true sense of the court, and by the letter to Anselm⁵ which they brought from Paschal gave proof enough that that prelate was resolved not to depart from the measures of his predecessor; and his letter to the king⁶ did directly

¹ [Ord. Vital. X, p. 788 D, ed. Du Chesne.]

² [According to Eadmer, Hist. Nov. III, p. 61, 41, the king acted upon his brother's advice, when he called upon Anselm the second time to do him homage, as related at the end of § 16 of the last chapter.]

³ Eadm. *ibid.* p. 65.

⁴ *Ibid.* [The pope in a letter to

Anselm solemnly denied that he ever made the promise. Paschal. II Epist. 3; Anselm. Epist. III, 74.]

⁵ [Paschal. II Epist. 41; Anselm. Epist. III, 44; Eadm. *ibid.* p. 63. The letter bears the date of April 15, and was written in the year 1102.]

⁶ [Eadm. *ibid.*]

contradict what he had by word of mouth promised to the ambassadors. Henry I.
1102.

However, their report being brought before the great council assembled at Westminster, the character and reputation of the king's ambassadors so far prevailed, that the bishops and nobility universally agreed on the side of the king and the laws. As for the king, he flattered himself with an opinion that he should gain his point, and, to put the better face upon his hopes, he invested the new bishops of Salisbury and Hereford⁷ and several abbots⁸. And the bishops generally gave benediction and institution to the new abbots in their respective dioceses; but the bishops of Lincoln and Bath were more particularly active on the side of the king⁹.

2. This controversy being thus laid to sleep for a while, that Anselm might not be further soured by these proceedings of the king, he was permitted to hold a council for the affairs of the church; and accordingly, taking the advantage of the aforesaid assembly, he with the bishops held a council, assisted by the archbishop of York, and the bishop of London, the bishop elect of Winchester, the bishops of Lincoln, Worcester, Chester, Bath, Norwich, Chichester, Rochester, and Bangor, together with the two bishops who had newly received investiture from the king, Salisbury and Hereford¹.

Anselm presided in this council; where the abbots of Pershore, Tavistock, and Ramsey, Peterborough, Cernell, and Middleton were deposed for simony, and the abbots of Ely and St. Edmunds on some other accounts; and six and twenty canons, or eight and twenty according to other copies, were agreed upon: these for the most part were agreeable to the ancient canons, and therefore passed quiet and without any noise. But, so far as the council would go along with him, Anselm could not forbear to give some marks of the spirit by which he acted; for though, unless by simony be meant lay investitures, the subject of the late controversy

⁷ [The king conferred the bishoprics of Salisbury and Hereford by investiture on two of the clerks of his household, each named Roger.] Eadm. *ibid.* p. 66, 52.

⁸ [*Ibid.* p. 70, 42.]

⁹ [*Ibid.*]

¹ *Ibid.* p. 67. [Concil. Britan. Spelman II, 21, 23, Wilkins I, 382.]

Henry I. was not so much as touched upon in this assembly, yet the
 1102. fifth, sixth, seventh, and eighth canons, all relating to the
 celibacy of the clergy, were taken from the late constitutions
 of Gregory and Urban, as they were levelled at the ends
 which the court of Rome were carrying on at this time. But
 as those decrees had no foundation in the laws of Christ or
 in the canons of the ancient English church, so they made
 no impressions upon the clergy, but on the contrary met with
 great opposition, and were treated with anger and contempt.
 But the importance and effect of these canons must neces-
 sarily be considered, when the controversy relating to the
 celibacy of the clergy, which was revived by the canons of
 this council, calls me to it²: therefore, leaving the proceed-
 ings of this council here, it will be requisite to look a little
 forward to the affairs which ensued.

Roger bishop of Hereford dying presently after this council,
 1103. Reinelm, chancellor to the queen, was by the king nominated
 his successor³; and the king sent his commands to Anselm
 to consecrate him, together with William some time before
 named bishop of Winchester⁴, and Roger bishop of Salisbury.
 Anselm consented to the consecration of the bishop of Win-
 chester, but absolutely refused the consecration of both the
 other; and the king would not permit the consecration of
 him alone. This was still in pursuance of the Hildebrandine
 doctrine, and because they had received their investiture from
 the king⁵.

3. The king was not a little provoked; however, having as
 he thought the bishops and nobility sure in his interest, he
 hoped to find a time to make Anselm repent his mistaken
 zeal, and in the meanwhile to carry on his affairs without
 him: therefore he commanded Gerard archbishop of York to
 consecrate the aforesaid new elected bishops; and a day was
 accordingly appointed for it. But before that day came
 Reinelm the bishop elect of Hereford came and surrendered

² [See below, vi, 5, 14; viii, 12, 13; ix, 2, 3; xvii, 16, note 5.]

³ [Bishop Roger of Hereford, whose appointment by investiture to that see is mentioned in § 1, note 7, died before he was consecrated. Eadm. *ibid.* p. 68, 45-54.]

⁴ [See before, II, v, 14, note 1.]

⁵ [Eadm. *ibid.* p. 69. Eadmer tells us that William Giffard, the bishop elect of Winchester, had refused to take investiture from the king and had received his pastoral staff in his own cathedral church from Anselm.]

his staff, and thereby his bishopric, to the king: however, the preparations went on for the consecration of the other two; but the bishops being met together for that end, and the day come, William Gifford bishop elect of Winchester refused to receive his consecration from the archbishop of York¹. Henry I. 1103.

Whether the surrender of Reinelm and the refusal of the bishop of Winchester were occasioned by the opinion of the irregularity of taking their consecration from the metropolitan of another province, as was pretended, or whether their friendship to Anselm or some secret affection to his cause occasioned it, there is not light enough to determine: but, if the cause lie secret, the effects were plain; for this broke the king's measures, and made a mighty noise and confusion. Therefore king Henry did not content himself to banish the bishop elect of Winchester, but suspecting that Anselm was at the bottom of this affair, after he had given him a taste of his resentment and in vain tried the power of menaces and anger², he came to this resolution, either to oblige the court of Rome to agree to the laws of England, or at least to connive at them, or else to deliver himself from that prelate, whose unreasonable wilfulness had given him so much trouble. But lest this resolution should alarm Anselm, the better to cover his secret purpose, the king sent for him, and, having represented to him the ill consequences of the new maxims of the court of Rome and his resolution not to part with the rights of his crown, he desired that Anselm would go away to Rome, and make use of his interest to oblige that court to yield up their new pretence to investitures, or at least to connive at the usages of England and leave him at quiet to go on in the way of his ancestors³.

4. The king could not but foresee the issue of this affair; but in case it did not sort to his mind, he then secretly resolved to forbid Anselm's return to England. Whether that prelate suspected the true secret or not, he desired time to consider till the next meeting of the great council at Easter: but, the advice of that assembly concurring with the desire of the king, Anselm applied himself to prepare for his

¹ [Eadm. ibid.]

² [Ibid. pp. 69, 70.]

³ [Ibid. p. 70.]

Henry I. journey; and the latter end of April with all his retinue and
 1103. attendance he set sail for Flanders, and from thence through Normandy took his way to Rome¹.

But, whatever confidence the king seemed to repose in that prelate, it is certain he did not depend upon him: but under colour of assisting him in his suit at Rome he sent William Warlewast, bishop elect of Exeter², with the character of ambassador along with Anselm, to demand of Paschal a confirmation of the royal right to investitures; but if that could not be obtained, then to ask the enjoyment of that right as a favour from the apostolic see; but in case he was denied both these, he had then secret instructions of another kind³.

The success of this embassy was such as might be expected: for the king stooping so much below himself as to ask for his own, and thereby letting the court of Rome know that he stood in need of their friendship, that court, which never knew what it was to be touched with pity or good nature that did not agree with their interest, instead of granting the request of the king, advanced their pretensions higher, and declared the right of giving investitures to be sacred and inalienable. And when the bishop of Exeter, with courage and eloquence pleading the cause of his master, told pope Paschal that the king would not for his kingdom part with his right to investitures, that prelate immediately replied, "Will not the king part with the donation of churches for the price of his kingdom? neither will Paschal for the price of his head suffer him to enjoy them unpunished"⁴; and then commanded him to let his master know his resolution⁵. In short, that court was resolved to humble princes, and king Henry was marked out for one of the first sacrifices to the ambition of the papacy.

5. The bishop of Exeter, seeing now the breach so wide that all hope of accommodation was at an end, was just to the secret instructions of his master, and in his name forbade

¹ [Ibid. Anselm landed at Witsand as before: see II, iv, 13, note 3.]

² [Malmesb. Pontif. I, fol. 128 b. Eadmer, IV, p. 92, 5, seems to intimate that Warlewast, or Warel-

wast, was not yet bishop elect.]

³ [Eadm. ibid. pp. 72, 75.]

⁴ Ibid. p. 73.

⁵ J. Sarisb. Vit. Anselm., Angl. Sacr. II, 170.]

Anselm to return to England¹. And this was the only point the king gained, that he delivered himself from the reproach and the noise which the exile of Anselm might have made, had it not been covered with the pretence of this embassy. This was a stroke so sudden and surprising, that Anselm and the court of Rome², big with the thoughts of humbling the king, were of opinion it was the effect of the ambassador's resentment and a strain beyond his commission; but, when the time was fit for it, the king justified the conduct of his ambassador, and owned that he had his order for what he did, and proceeded to seize the temporalities of the archbishopric³. For the present this broke all the measures of Anselm, and put him under new and unthought of difficulties: however, though he saw no hopes of his return to England, yet, that he might be as near as he could in safety, he retired from Rome, and fixed at Lyons in France⁴, in hopes that some fortunate turn of affairs might in time restore him.

Henry I.
1103.

Whilst Anselm remained in exile, the authority of the late council of Westminster⁵ was little considered, especially those canons which related to the celibacy of the clergy and the degrees of kindred. The former of these as they were wholly new to the parochial clergy, it being the first attempt that had been made in England to force celibacy upon them, so the success thereof was such as might be expected. For, if the clergy did not penetrate the reason of this affair, the visible designs of that court where it had its beginning, and the ambition and known wickedness of those prelates who pushed it on, could not but afford them ground enough to believe that purity and holiness were the things least considered in the canons upon this subject; and they could not but know that the Christian law had not abridged them of the right which nature had given them, and that the forbidding of what the natural law had allowed had been foretold as one of the distinguishing marks of the antichristian spirit⁶.

1104.

¹ Eadm. *ibid.* p. 75.

² [Eadmer says that Anselm had reached Lyons on his return from Rome before the secret instructions of the king were communicated to

him.]

³ Eadm. *Hist. Nov.* IV, p. 76.

⁴ Baron. *Annal. an.* 1103, vii.

⁵ [See § 2 of this chapter.]

⁶ [1 Tim. IV, 3.]

Henry I. And the fifth of those canons well known by the name of the
 1104. Apostolic Canons, by pronouncing that such bishops, presbyters, or deacons, which under the pretext of religion should put away their wives, should be excommunicated, and deposed if they persisted therein, had given so clear a view of the practice and sense of the ancient church in this particular, as put it beyond a doubt that the change now on foot had no more foundation in the discipline and usage of the ancient church than it had in the laws of Christ. Therefore, instead of submitting to the canons of Westminster, the whole clergy of the province of York remonstrated against them; and as those who were married refused to renounce their wives, so those who were unmarried refused to make profession to continue in a state of celibacy⁷. Nor was this the case of that province only; for it appears that the clergy in the other province took the same liberty⁸.

And as little regard was paid to that canon which forbade marriages within the seventh degree of blood⁹; a canon which had the same original, and which in all probability was conducted by the same views, with those against the marriage of the clergy, and, which is worse, served the same purposes. It gave a great deal of uneasiness to the consciences of some good men, and opened a way to gratify the lusts of the dissolute and profligate; and though purity was the colour, yet in truth it served no other ends but those of the court which formed it, and at once raised an opinion of their power by making and increased their wealth by dispensing with it, and bound princes faster to their interest by making the legitimacy of their children depend upon their decrees. In short, this stretch of power was so far from guarding the sanctity of the married state, that it opened a way to the embraces which the Levitical law had forbid, and multiplied the divorces which the gospel had restrained to the case of adultery.

6. The disputes betwixt the king and his brother, and other troubles occasioned by the defection of some of the nobility, took up so much of the king's time and thoughts, that, except some secret messages and treaties in order there-

⁷ Concil. Brit. Spelman II, 22,
23.

⁸ Eadm. *ibid.* p. 77, 43.

⁹ [Can. 25.]

unto, little was done in the affair of Anselm from the time of his banishment till the latter end of that year¹: but this produced a turn of things very surprising, and in all appearance beyond the expectations of the different parties. However Anselm might by his distance from the court of Rome seem to have changed his measures, his thoughts were still upon his cause, watching every advantage, and listening with impatience for the issue of those intrigues which that court was carrying on in his favour: and it was so much their interest to see him restored, that he had reason to believe they were sincere in it, and would do all they could for him; and under these expectations he sat quiet at Lyons till the beginning of this year. On the other hand, the king was sensible of the importance of this controversy; and though the uneasiness of his people at home, and the designs he was carrying on against his brother in Normandy, might seem to call his thoughts another way, yet this matter lay too near his heart to be forgotten: therefore he continued his ambassador, the bishop of Exeter, at Rome², to observe the motions of that court; and that prelate, applying himself to the method of address which never wanted charms at Rome, gave such a turn to the affairs of his master, that pope Paschal wrote a very discouraging letter to Anselm, which so abated the confidence which that prelate had hitherto reposed in the court of Rome, that he concluded it was in vain to wait any longer for the help he expected from thence³. But this turn, though it raised the hopes of the king and mortified Anselm, yet by an unhappy crossness, not unusual in human affairs, operated the wrong way, and proved a service to Anselm and the greatest mischief which could have befallen the king.

7. For Anselm, having in vain worn out his patience in

¹ [The king's secret orders concerning Anselm were intimated to him at Lyons shortly before Christmas 1103; but the king's letter in confirmation of them did not reach him for a considerable time. Eadm. III, p. 75, 20; IV, p. 76, 49. Inett therefore places "the time of his banishment" in 1104.]

² [Eadmer says, that William

Warelwast returned rapidly to England with the pope's answer, that the king then sent "nuntii" (whom he does not name) to Rome on the same errand, and that these also returned without having changed the pope's determination. Eadm. III, p. 75, 22; IV, p. 76, 31; p. 78, 35.]

³ Ibid. IV, p. 79.

Henry I. expecting a remedy from the court of Rome, resolved upon
1105. new measures of his own, and with the advice of the bishop of Lyons left that place, and went to Blois, where Adela, countess of Blois and sister to the king of England, at that time lay sick. That princess inquiring into the reason of his coming, he did not stick to tell her that he came with a purpose to excommunicate the king¹. About the same time that Anselm came to Blois, the king of England arrived in Normandy; and, to speak the truth, their errands were too much alike. For, whether it was that the king thought the wrong he had done his brother Robert too great to be forgiven, or that he could not be safe till it was out of the power of that prince to hurt him, or whether his ambition prompted him to it, it is evident that the king had formed a design to deprive his brother of the dukedom of Normandy: and therefore, after he had fomented the differences amongst the nobility, and by secret arts secured an interest with them, he this year entered Normandy with an army; where he met with the misfortune that befell Ahab when he went to take possession of the vineyard of Naboth, for there he found his enemy the prophet².

The success of this prince had but too much resemblance with that of Ahab; for if he did not lose his kingdom, yet this unhappy errand hastened on the slavery thereof. For, whether it was that the suffering of Anselm had entitled him to pity and derived a merit on his cause, or, which is more likely, the heavy impositions which the king had put upon his people, to furnish out his expeditions against Normandy, that lost him the hearts of his English subjects; since this dispute began, the king had lost and Anselm had got ground in the affections of the people: and it is most likely that it was the hardships put upon the English nation which inclined them to better thoughts of Anselm's cause, and their own sufferings which led them to more favourable thoughts of his. Besides, it was much the interest of his brother and his party to brighten the cause of Anselm, and break the king's measures by representing him as an enemy to the liberties of the church and an oppressor of the clergy: so that if Anselm had proceeded to extremity, and excommunicated the king,

¹ Ibid.

² [1 Kings XXI, 16-20.]

when he was making use of his address as well as his arms to carry on his designs in Normandy, he was sensible he had enemies that knew how to improve this proceeding to his disadvantage.

Henry I.
1105.

8. If Eadmer may be relied upon, the very report of the intended excommunication gave occasion to several conspiracies against the king¹: but, whatever truth there is in this particular, there is no doubt but he had reason to fear that, if that matter was not accommodated, Anselm might have fallen into the interest of Robert duke of Normandy his brother, and united it to that of the papacy. Besides, it is not unlikely that the late coldness of pope Paschal in the affair of Anselm had abated somewhat of the confidence which he had before reposed in the court of Rome, and so far mortified that prelate, that he did not want some dispositions to allow the king better terms than those which he had before insisted on. Therefore, that he might not lose the advantage of this juncture, the king gave ear to the applications of his sister, and by the address of that princess he once again came to terms with Anselm.

This agreement was made at the castle of Aquila² the two-and-twentieth of July, by which the king obliged himself to give up his right to the investing of bishops and abbots³, and to permit Anselm to return to England, provided that he should not excommunicate, nor refuse communion with, such as had formerly received investiture from the king, or had consecrated those who did; and, as an evidence of his sincerity herein, the king immediately restored Anselm to the temporalities of his bishopric. Anselm pretended that by the canons of pope Urban he was obliged to refuse communion with all that had received lay investiture: and therefore that particular and the question about homage were by consent referred to the arbitration of the pope; and for that end legates on both sides were to be sent to Rome time enough to return before Christmas following; and, till the sense of that court should be known, Anselm excused his return to England⁴.

¹ Eadm. *ibid.* p. 80, 35.

² [Now L'Aigle in the department of Orne.]

³ *Ibid.* p. 80, 14-23. [Eadmer says that the king promised to yield

much, but does not specify the surrender of his right to give investiture.]

⁴ *Ibid.* p. 80, 24-42.

Henry I. 1105. Matters being thus advanced towards an accommodation, the king made a considerable progress in the conquest of Normandy this summer. And as if an unnatural war had been less criminal than giving of a staff and a ring to a bishop, Anselm, who pretended conscience in the one, made no scruple to assist and join with the king in the other. And whilst he thought it his duty to violate the laws of England which he had sworn to observe, he did at the same time contend for canons, which the greatest bigots for the papacy cannot pretend to be binding to a national church which had never received them, but on the contrary disowned and opposed them. So wild and so extravagant is the zeal even of great men, when it once gets out of the ways of God.

9. The king had as little reason to be satisfied in his own conduct: for, if he did not act against his judgment, he gave reasons enough to suspect his sincerity, and that he intended no more by this but to do as he had done in a former agreement with that prelate, that is, to gain time, and quiet the dispute with Anselm, till he saw the success of his arms in Normandy. For, to say nothing of the reluctance which he showed afterwards in suffering this agreement to take effect, he made so many excuses and delays before he could be brought to send his ambassadors to Rome to perfect it, that Anselm was forced to press him hard before he would be brought to it, and to tell his great minister the earl of Mellent¹ that he feared the king was not sincere in desiring his return to England²: so that, notwithstanding this agreement and the great importunity of Anselm, this year expired before any thing was further done in this affair.

And so little was the king satisfied with the new notions of the ecclesiastic liberty, that whilst he was sending the bishop elect of Exeter to Rome on that subject, under the pretence of the late canons of Westminster relating to the celibacy of the clergy³; and when Anselm remonstrated against this⁴, he only shifted his hand, and laid an imposition on all

¹ [Robert earl of Mellent, as he is usually styled by English writers, was "comes de Mellento", earl of *Meulan*, now in the department of Seine et Oise. He was made earl of Lei-

cester by Henry I. Dugd. Baronage I, 83.]

² Eadm. *ibid.* p. 82.

³ *Ibid.* p. 83, 44-49.

⁴ [*Ibid.* p. 85.]

the parochial clergy⁵; an imposition very heavy in itself, and executed with so great rigour, that, if the authority of Eadmer may be relied upon, near two hundred clergymen did at one time present themselves to the king to entreat his mercy, but all in vain⁶. Henry I. 1105.

Thus much is evident, that the heavy impositions which the king laid upon his English subjects, to carry on his designs in Normandy, had exceedingly provoked them⁷. And as this alienated the affections of the people from the king, so it did a great deal towards rendering Anselm more popular; and, by giving him opportunity to remonstrate against the oppressions laid upon the clergy, he so far brought over the body of the clergy to his interest, that the very same bishops who opposed him in all the preceding steps of this controversy did about this time with great importunity entreat him to hasten his return to England; and Gerard archbishop of York and four bishops of the province of Canterbury appeared at the head of this party, and addressed themselves to him under the title of their deliverer⁸. Such a mighty turn had a little time produced to the disadvantage of the king: and indeed love and esteem are effects which nothing else can work into the minds of men but a true or a mistaken goodness; so that princes can no longer be secure of their people, when once they are possessed with a belief that they want the good qualities which alone can give being and support to the affections of their subjects.

10. The messengers which the king and the archbishop had sent to Rome found pope Paschal so well disposed to perfect that agreement towards which they had before made some advances, that he endeavoured to find out a temper which might bring it to perfection, and accordingly fixed upon an expedient which divided the different pretensions. To gratify the king he departed from the constitutions of Gregory and Urban, and consented that the bishops and abbots should upon their election do their homage to the king; and, that the king's friends might more easily come into this compromise, he appoints Anselm to receive the bishops and abbots to communion who had received investiture from the king, and that 1106.

⁵ Ibid. p. 83, 52.

⁶ Ibid. p. 84, 5-9.

⁷ [Sax. Chron. an. 1105.]

⁸ Eadm. ibid. p. 84.

Henry I. for the time to come the king should renounce all pretence
 1106. to the investing of bishops and abbots, or, in other words, to the patronage of the church. This expedient being brought to England the beginning of this year¹, the king sent immediately to recall Anselm; but, whilst he was preparing for his return, he was seized with an indisposition, which detained him till the king himself arrived in Normandy with a design to perfect the conquest he had begun the preceding year.

However, towards the latter end of August or the beginning of September, after a banishment of more than three years, Anselm returned into England, leaving the king to pursue his unnatural design in the conquest of his elder brother. And so successful was he in that attempt that a few days determined the fate of Normandy; for coming to a battle with the duke his brother the latter end of September, that prince's army was entirely routed, and himself and the greatest of his nobility were taken prisoners, and sent into England, where they were shut up in several castles till death delivered them. Thus the compass of forty years interchanged the fates of England and Normandy; and the honour the Normans got in the conquest of England in the year one thousand and sixty-six was in the year one thousand one hundred and six paid back again to the English in the conquest of Normandy².

1107. 11. The king by an express from his own hand gave notice of this victory to Anselm¹; but, the better to settle the affairs of his new conquest, he himself continued in Normandy till the Lent following, and then returned to England big with the glories of his late success. But his triumphs had too much resemblance with those of the Roman generals, whose triumphal chariots usually carried the whip and the bell², the ensigns of punishment and death; and thus, whilst their conduct was rewarded, the wise Romans took care to keep down the ambition of their generals. And if this was not the case of this prince, yet his success and misfortunes were so equally mixed, that one may be allowed to say that what he gained in Normandy was not enough to countervail the honour

¹ [The pope's letter bears the date of March 23. Eadm. *ibid.* p. 87.] ¹ (on § 11.) Eadm. *ibid.* p. 90.
² [See Malmesb. *Gest. Reg.* V, § 398 ed. Hardy.] ² (on § 11.) [So says Zonaras, VII, 21.]

which he and his kingdom lost there by his agreement with Henry I. Anselm. 1107.

However disadvantageous that agreement was to the honour and rights of the king, he did not think it safe at present to depart from it. On the other hand, Anselm resolved to make the best of the advantage which he had gained, and pushed on his success so far that the king was prevailed upon to convene his great council to meet at Westminster, where the right of the king to give investitures was again brought into debate, and the matter was argued several days. The nobility and bishops generally advised the king to continue the ancient way of giving investitures, and opposed his parting with his right³; but by the artifices of Anselm and his party the king's chief minister and favourite the earl of Mellent, who for several years had opposed this design, was now brought over to the interest of the papacy, and so distinguished himself in this affair, that in Anselm's epistle to pope Paschal he chiefly ascribes the success of this council to that minister⁴. But, whatever occasioned it, so it was, that the king, contrary to the advice of the body⁵ of his nobility and bishops, did in this council make a formal surrender of his right to the investing of bishops and abbots⁶, and, which is more, to the nomination of them, only reserving to himself a power of assenting after the election was made.

12. On the other hand, Anselm with the consent of pope Paschal agreed that the clergy should do their homage to the king, and that that should not render them incapable of consecration¹. But in the bull of Paschal, by which Anselm was empowered to dispense with the constitutions of Gregory and Urban which forbid the clergy's doing homage to secular princes, Paschal tells him it was a particular favour granted on his request to the king, and to be continued to him no longer than till by the blessing of Almighty God on the persuasions of Anselm the heart of the king might be moved to

³ ["Quibusdam ad hoc nitentibus ut rex eas faceret more patris ac fratris sui."] Eadm. *ibid.* p. 91, 24: Hoved. *Annal.* an. 1107.

⁴ Eadm. *ibid.* p. 93. [Anselm ascribes the result equally to Richard de Redvers, who also was at this time one of the king's chief counsel-

lors, and was afterwards made by him earl of Devon. Dugd. *Baronage* I, 254.]

⁵ [But see the quotation from Eadmer in note 3.]

⁶ *Concil. Brit.* Spelman II, 27, 28, [Wilkins I, 386.]

¹ *Ibid.*

Henry I. lay it aside²: with such mighty caution and reserve did that
 1107. court grant the king a provisional title to that which was before
 an inherent right of his crown. Thus did this great prince
 tamely bow down to meet the chains which were prepared for
 him: such mischiefs do men bring upon themselves by their
 own ambition.

Thus ended this controversy in England, which gave so
 much trouble to this age, and which brought so many mischiefs
 on those which succeeded. Some that wished well to the de-
 signs of the papacy, when this pretence to the right of in-
 vestitures was first set on foot by Hildebrand, thought it did
 not deserve the zeal and hazard with which it was pursued.
 But time will show that that prelate judged truly; for by
 acquiring a power to put men in possession of the wealth and
 promotions of the western church, and to judge of the quali-
 fications of those who were to be entrusted therewith, the bi-
 shops of Rome raised themselves to the state of supreme or-
 dinaries, and came in time to be acknowledged the supreme
 lords and proprietors of the revenues of the western churches.
 And as upon this ground they challenged an oath of fidelity
 from bishops and abbots, so upon the same ground they chal-
 lenged to themselves the sole right of laying impositions on
 the revenues of the church, and denied it to the kings of
 England and other western princes. And when time and
 usage began to wear out the marks of their usurpation, their
 graces and expectances, provisions and reservations³, and all
 those arbitrary methods by which the bishops of Rome over-
 turned all the rights of patronage and election, were founded
 upon this bottom. Hence also the giving the greatest
 trusts and best preferments in the church to children⁴ and

² "Donec per Omnipotentis Do-
 mini gratiam ad hoc omittendum cor
 regium tuæ prædicationis imbribus
 molliatur." Eadm. ibid. p. 87, 35.

³ ["Gratiæ expectativæ," or "man-
 data de providendo," were documents
 granted by the pope, by which "be-
 neficia nondum vacantia mandantur
 certis personis conferri, cum ea va-
 care contigerit." By "beneficiorum
 reservationes" is meant the claim of
 the pope "beneficia quædam sibi
 reservare ac accipere, ut, cum postea
 vacaverint, ea solus conferat." Dua-

ren. de Benefic. III, 1, V, 8, 9. The
 origin and progress of this usurpation
 of the popes, and the resistance of-
 fered to it, are traced in Father Paul's
 treatise on Benefices, ch. XXX, etc.
 and more elaborately by Thomassin
 in his *Vetus et Nova Ecclesiæ Disci-
 plina circa Beneficia*, Pars II, lib. I,
 capp. xliii–xlvi.]

⁴ [Considering that in 1033 Bene-
 dict IX had been made pope when
 he was but twelve years old (see be-
 fore, I, xxii, 15), and that in 1489
 Giovanni de' Medici, afterwards pope

strangers⁵, and heaping preferments without end upon their own creatures, and in short the defeating all the ends to which that Henry I. 1107.

Leo X, was nominated to the dignity of a cardinal at the age of thirteen years (see Roscoe's Life of Leo X, ch. I), we cannot wonder that the papal patronage, whether rightful or usurped, was often exercised in the same manner in respect of inferior appointments. It was a case of this kind which in 1253 drew forth an indignant remonstrance from the celebrated Robert Grosseteste, bishop of Lincoln. Pope Innocent IV had sent a mandate to two persons in England to provide for a young Roman boy, "cuidam Romano puero parvulo" (Annal. Burton.), a nephew of his own (as the mandate itself shows), out of the first vacant place in the cathedral church of Lincoln; and the bishop, who had often expressed his discontent at these papal provisions, even when given in favour of competent persons, and especially at the famous "Non obstante" clause, which Innocent IV was the first to introduce, now argued solemnly against so flagrant an abuse of patronage, and peremptorily refused to comply with the mandate. "His quæ in prædicta litera continentur . . . non obedio, contradico, et rebello." Annal. Burton. an. 1253, coll. Gale pp. 326-328: M. Paris. an. 1253, p. 871 ed. Wats: Foxe's Acts and Monuments, Book IV, an. 1253: Brown's Appendix to Gratii Fasciculus Rer. Expetend. et Fugient. pp. 399-401. The evil was felt in other countries also. Matthew of Cracow, who wrote about the year 1375, in his treatise De Squaloribus Romanæ Curiae mentions among other gross abuses of this papal usurpation of patronage the common practice of so *providing* for boys. Brown's Appendix p. 589. And Richer speaks of a case apparently in the seventeenth century, certainly after the council of Trent, when upon the death of a certain French cardinal, who had held six rich abbeys and three archbishoprics at the same time, all the abbeys and one of the archbishoprics were re-

served for the cardinal's nephew, a child only three years old. Hist. Concil. IV, v, 7, par. II, p. 101 ed. 1681.]

⁵ ["No country was so intolerably treated by this pope (Gregory IX) and his successors as England throughout the ignominious reign of Henry III. Her church seemed to have been so richly endowed only as the free pasture of Italian priests, who were placed by the mandatory letters of Gregory IX and Innocent IV in all the best benefices." Hallam, Middle Ages ch. VII, vol. II, p. 301 ed. 1819. Many complaints on this subject occur in Matthew Paris and other chroniclers. A solemn remonstrance, drawn up in the name of the whole nation and presented to pope Innocent IV at the council of Lyons in 1245 by commissioners sent over for that purpose, after recounting other grievous evils of this method of patronage, declares that the annual income then drawn by Italians from benefices in England exceeded the sum of sixty thousand marks, and was larger than the whole of the royal revenues. M. Paris. an. 1245, pp. 658, 50; 659, 10; 667, 36; ed. Wats. The pope promised relief, but none was obtained, and the next year a formal statement of *gravamina* was presented to him in the name of the nation. Annal. Burton. an. 1246, coll. Gale p. 309. For these and similar grievances mentioned below, xxv, 4, see the *Fœdera* I, 262, 265, 281, ed. 1816. See also Wood's *Antiqq.* Oxon. an. 1307. But complaints to the pope were useless, and the parliament at Carlisle in January 1306, 35 Edward I, made an ineffectual effort to check the evil. At length in 1351 the famous statute of provisors, 25 Edward III, stat. 4 ed. 1810, was passed; and other statutes to the same end were made in that and in succeeding reigns. Thomas-sin, cited in the last note but one, says in cap. xliii, § 10, that no nation made so stout and resolute a resistance to this usurpation as the Eng-

[Henry I. sacred treasure was intended, had their beginning. It was
1107. upon this ground too that the canonists afterwards defended the oppressions of the clergy and all the abuses of the bishops of Rome in disposing the revenues of the church.

13. The aforesaid council of Westminster being ended, the king's concessions therein were quickly put into practice: for, many bishoprics and abbeys not being filled by reason of the aforesaid dispute, the vacancies were now all filled up, and the ancient usage of investing by the delivery of a staff and a ring was now omitted¹; and, if Matthew Paris be not mistaken, the bishops of Winchester, Salisbury, Hereford, Exeter, and Glamorgan were all consecrated together at Canterbury before the month of August was done².

But, whilst the consecration of these bishops passed quiet, the monks of Canterbury made a great noise about the benediction of their abbot. For, Hugh a monk of Bec in Normandy being chosen abbot of St. Augustin's in Canterbury, the monks pretended that their abbots ought to be consecrated in the church of Canterbury only, and desired that Anselm would appoint the bishop of Exeter to come to Canterbury and perform that office³, according to custom as they pretended; and so fond were they of this pretended right, that they engaged the king to speak to Anselm on this subject. That prelate answered wisely, that he had a right to perform his office every where within his province, except in the king's chapel, and that it was the duty of the abbot to attend his appointment. In short, notwithstanding all the noise and interest the monks could make, he obliged the abbot to attend upon him at Lambeth, and after his profession of cano-

lish, and speaks of the many instances which their history contains "hujus indomitæ vel constantiæ vel contumaciæ". This abuse of patronage however had one consequence which the popes who ventured on it little thought of: so many benefices were held by persons unacquainted with the language, shamefully ignorant, and in various ways incompetent, that preaching by authorized ministers became very rare, and the followers of Wycliffe found the better opportunity for spreading their doctrine. See Wood's *Antiqq. Oxon. an.*

1405.]

¹ [Eadm. *ibid.* p. 91, 36.]

² *Ibid.* p. 92, 2-8. [Matth. Paris. *an.* 1107.]

³ [The bishop of Exeter *had* come to Canterbury for the consecration, Anselm being too ill to perform it himself, and it was appointed to take place in Christ Church, that is, in the cathedral church; but the Augustinian monks asserted that their abbot ought to be consecrated in his own chapel. Thorne says nothing of this consecration.]

nical obedience to the archbishops and church of Canterbury he gave him his benediction the latter end of February this year⁴: which I the rather observe, partly to show how forward the religious were to challenge or to make privileges to themselves, and partly to give the bright side of this prelate's stiffness, which was of use to him in humbling that body of men which gave so much trouble and vexation to many of his successors; and yet their pretensions were no better founded than those which Anselm thought fit to contemn and expose. Such too was his courage and resolution in maintaining the rights of his see against the usurpation of the legatine power: and so resolute was he therein, that when he was in the nearest conjunction with the court of Rome, and stood most in need of its assistance, no sooner did Guido archbishop of Vienne set his foot in England with the character of legate, but he presently cried out against it as a novelty and an usurpation, and by his interest forced that prelate to retire out of England, without suffering his authority to be so much as owned⁵. So useful are stiffness and resolution, when they happen to be well placed.

Henry I.
1107.

14. But this prelate has left posterity reasons enough to dread the effects of stiffness and bigotry, when they happen into the keeping of men of power, and are covered with the pretences of religion. And the married clergy about this time felt the weight of them; for Anselm resumed the resolution he first set on foot in the council of Westminster about six years before¹; and this was, to force a general celibacy upon the clergy: and in order thereunto a council was assembled at Whitsuntide this year, wherein some new and severer canons were made against the marriage of the clergy². But, whilst he was thus treating the clergy, his zeal against them has conveyed to posterity a testimony so much to their advantage, as more than answers all the arguments he brought against their marriage. For writing to pope Paschal to know what he must do with such of the clergy as were the sons of the clergy, that prelate ordered that such of them as were found worthy should be continued in their stations, and

1108.

⁴ Eadm. *ibid.* p. 93, 23-27. [The benediction was given February 27, 1108.]

⁵ [See before, II, v, 3, 4.]

¹ [See § 2 of this chapter.]

² Eadm. *ibid.* p. 95.

Henry I. 1108. founds his favour to them upon this consideration, that the greatest and best part of the clergy were the sons of the clergy³; a reason that does at once show how general the marriage of the clergy had hitherto been, and which more than balances all the reasons that were ever brought against it: and yet, though this be the account of Paschal, it seems most likely it came originally from Anselm himself.

However, such was the severity of this council, that it not only forbade the married clergy, who refused to put away their wives, to perform the offices of their function, but commanded that an oath should be put upon the archdeacons and rural deans not to connive at them, and appoints the forfeiture of the goods of such of the clergy as should for the future offend: in short, if the whole business of that council was not the regulation of this affair, there is not so much as one canon of this council on any other subject. And it is observable that in all the constitutions of Gregory the Seventh, Urban, and Paschal investitures and the celibacy of the clergy ever go together; a reason one would think sufficient to have given umbrage to princes, that they sprung from the same consideration, and were designed to serve the same ends; and time put this matter beyond a doubt. But Anselm survived this council but a little while, and these constitutions proved ineffectual.

15. There was another thing which seems to have been under consideration in the aforesaid council, which soon after came to effect; and this was dividing the great and unwieldy diocese of Lincoln, and setting up a new bishopric at Ely. Whatever the reasons were by which others acted in this affair, it is not without ground that the continuator of Ingulphus saith that the king acted by reasons of his own; and because the wealth and command of that abbey was great, and the situation so advantageous as might put it in a capacity to give a great deal of trouble to the government, if it should happen to fall into ill hands, he thought it most advisable to put it into such as he might confide in¹. But though it is

³ ["Quia in Anglorum regno tanta hujusmodi plenitudo est, ut major pæne et melior clericorum pars in hac specie censeatur."]

Pasch. Epist., Eadm. ibid. p. 91.

¹ [Petr. Bles. Continuat. Hist. Ingulph., coll. Gale p. 117, an. 1109.]

not unlikely that the king might be influenced by reasons of this kind, yet it is probable that this change was set into motion by Harvey the first bishop thereof; for that prelate had been driven from his see of Bangor some years before, and had been sent by the king to the monastery of Ely to be provided for, and by his address and good management of the monks did upon the death of their abbot give the first thought to this change².

Henry I.
1108.

The authority by which this matter was conducted is no less evident than the reasons from whence it sprung: for though Anselm seems to have been zealous to let in the authority of Rome, and sent to pope Paschal for his confirmation, and the writer of his story says it was the prerogative of the see of Rome to erect new bishoprics; yet the epistle of Anselm on that occasion shows plainly, that the erecting this bishopric had not only been concerted by the king and his council, before the court of Rome was so much as acquainted with it, but that it was also concluded on by them, and that Anselm had consented to it³. And, notwithstanding what Eadmer has said of the rights of the bishops of Rome, he has given proof sufficient that this new bishopric was erected by the king with the advice of his great council⁴. And as Malmesbury saith this was done by the king the ninth of his reign⁵; so Dunelmensis, Florentius, and M. Westminster⁶, without any mention of the pope or his authority, say the king changed the abbey of Ely into an episcopal see, and made Harvey, bishop of Bangor, the first bishop thereof.

Yet in the fragments of the history of Ely, among the notes of Mr. Selden on the history of Eadmer, there are two bulls and a charter of Henry the First, which ascribe the erection of that new bishopric to the authority of pope Paschal. But, as that learned writer has well observed, the charter of the king bears date in the year 1108, and calls that the tenth year of his reign, when in truth he had not reigned nine; and the same charter speaks of Anselm as dead, and

² Selden. ad. Eadm. p. 209.

³ [Eadm. ibid. p. 95.]

⁴ Ibid. p. 104, 48.

⁵ Malmesb. Pontif. IV, fol. 167, b.

⁶ Sim. Dunelm. int. X Scriptor. ed. Twysden 232. Flor. Wigorn.

an. 1109. M. Westm. an. 1109.

[The appointment of Harvey to the bishopric of Ely was not completed till after Anselm's death, that is, not till after April 21, 1109. Eadm. ibid. p. 104, 51.]

Henry I. yet that charter bears date the twenty-second⁷ of October in
 1108. the year 1108, whereas it is very evident that Anselm died
 not till the one-and-twentieth of April the year following⁸.
 These are such apparent marks of forgery, that I shall leave
 that transaction on the foot our historians have set it, and
 conclude this new bishopric was erected by the same autho-
 rity which had erected all the rest⁹. But, by whatever au-
 thority this was done, it is certain it was done about this
 time, and with consent of Robert Bloet bishop of Lincoln,
 and that he had the manor of Spaldwick in Huntingdonshire
 given him in exchange for the jurisdiction from which he re-
 ceded.

CHAPTER VII.

AB ANNO 1109 AD ANNUM 1120.

1. Anselm archbishop of Canterbury dies. Mischiefs of his mistaken
 zeal. King uneasy in the loss of his right of investitures, threatens to re-
 assume it. The emperor forces the pope to give up his pretence to inves-
 titures.

2. The king's ill treatment makes him very jealous. He keeps the
 archbishopric void; holds no correspondence with Rome. Hildebrandine
 faction broken by the emperor. Secular clergy and religious contend
 about the succession to Canterbury.

3. The king summons the monks of Canterbury to assist at the election
 of a new archbishop. The monks desire the abbot of Abingdon; pretend
 that monks only have a right to that trust. Grounds of that pretence.
 Bishop of Rochester chosen archbishop of Canterbury.

4. Radulphus archbishop of Canterbury officiates without a pall. The
 king resents the proceedings of the court of Rome.

5. The bishops join with the king against the court of Rome. Pope
 Paschal complains that his see was neglected, and every thing done in
 England without him.

6. Sense of the king and bishops of England of the freedom of the
 English church: the present state thereof.

7. The king sends to Rome to remonstrate against that court. Chapter
 of St. David's in Wales applies to the king for a bishop. Freedom of the
 British church.

8. The reason of the application of the Welch to the king. Grounds of
 the submission of the British to the English church, not from the autho-
 rity of Rome.

⁷ [The date is "IX kl. Novem-
 bris", that is, October 24.]

⁸ Selden. ad Eadm. p. 212. [See
 also Wharton, Angl. Sacr. I, 678,
 not. a.]

⁹ [See before, I, xii, 8; xiv, 6;
 xviii, 4, especially the words of king
 Edward the Elder quoted in note 1
 there.]

9. Alexander king of the Scots applies to Radulphus archbishop of Canterbury to fill up the see of St. Andrew's : the reason thereof. Tale of the Culdees governing the church of Scotland : the ancient government thereof by bishops.

10. Court of Rome attempts to introduce the legatine power into England. Great council of England oppose it. The archbishop of Canterbury sent to Rome to remonstrate against this attempt. Pope promises not to send any legate uncalled for.

11. Pope Paschal encourages Thurstan archbishop of York against Radulphus archbishop of Canterbury. Pope Paschal dies. A schism in the Roman church. The English church quieted by that schism.

12. English and Norman bishops sent to the council of Rheims. Instructions given them by the king.

13. Pope Calixtus promotes the disputes betwixt the two archbishops ; consecrates Thurstan archbishop of York contrary to his promise.

14. Reason of Calixtus his proceeding.

15. Calixtus promises the king that he should enjoy the ancient privileges of the crown, and that no legate should be sent till desired.

1. **ANSELM** had but little time to reap the fruits of the ill offices which he had done to the church and kingdom of England ; for he died the one-and-twentieth of April this year, in the seventy-sixth of his age and the sixteenth of his consecration, after he had, by an ill-grounded zeal for the grandeur of the papacy, opened the way to those usurpations which in time overwhelmed the rights of the English church and nation, and which he himself would undoubtedly have abhorred and opposed, had they happened in his time ; for his patience would have been at an end, had he lived to have seen a papal legate convening and presiding in councils within his province.

Henry I.
1109.

But if he did not live long enough to smart under the mischiefs to which his indiscretion opened the way, yet he lived so long as to see the king very uneasy under his late concessions, and threatening to reassume his right of investitures. For that prince finding that, notwithstanding all that had been said to prove the divine and unalienable right of the papacy to the investiture of the clergy and religious, the emperor was permitted to enjoy the right which had been forced out of his hands, he complained of it to Anselm, and told that prelate he would reassume his right¹. But in truth it was without grounds that that prince complained of

¹ Eadm. Hist. Nov. IV, p. 99, 52—p. 100, 2.

Henry I. the court of Rome for taking that trust out of his hands
 1109. whilst the emperor was permitted to enjoy it; for pope Paschal spoke his heart, when in return to what Anselm had said to him on this subject he told him that he did not, and, as Anselm well knew, would never, tolerate that usage, but he waited till the rage of the German nation had spent itself².

The court of Rome wanted no good will to use the emperor as they had done the king of England, but they had sped so ill in their former attempts, that they were forced to wait for a more favourable opportunity. And it was with the utmost impatience they expected this conjuncture, which they were so ready to embrace; insomuch that pope Paschal in his afore-said epistle to Anselm, wherein he excuseth the delay in their proceedings against the emperor, tells Anselm that he was about to draw the sword of St. Peter, and if that prince persevered in the wickedness of his father he should feel the weight of it³. Notwithstanding these menaces, the emperor was so far from giving up his right, and Paschal from being in a condition to force him, that, about two years after, the emperor came to Rome, and in an agreement with Paschal obliged that prelate to give up his pretence to investitures, and to swear that he would never give any trouble to the emperor or to the empire for giving investiture to bishops and abbots⁴: so little were they convinced abroad of the justice of the papal pretensions, notwithstanding what had passed in England. And the king too hoped for a time to reassume his right: but favours to the court of Rome, like donations to religion, once granted, passed immediately into a state of mortmain, and were called sacred and unalienable, and without the verge or possibility of resumption; and that prince found this to be his case, when his misfortune was beyond a cure.

1110- 2. However, the ill usage which the king met with had this
 1113. good effect upon him, that it made him very cautious and reserved, and for the future infinitely jealous of the rights and honour of his crown. And this seems to have been the

² Paschal. Epist., Eadm. *ibid.*
 p. 100.

³ *Ibid.*

⁴ Baron. Annal. an. 1111, xviii,
 xix. [Flor. Wigorn. an. 1111.]

true reason why he kept the archbishopric of Canterbury void for above four years, and in a manner cut off all communication with the see of Rome from the death of Anselm, till the translation of Radulphus bishop of Rochester about four years after to the see of Canterbury gave occasion to renew it. In the mean time the king was employed in his wars abroad or against the Welch at home, and the court of Rome so mortified by the emperor and their measures so broken, that all the address of that court was little enough to secure itself from being reduced to a state they could not bear the thoughts of with patience. For, beside what is said before of the conduct of the emperor, during his being at Rome that prince obliged pope Paschal to put the imperial crown upon his head, as the bishops of Rome, whilst the subjects of the emperor, had usually done; and this his conduct gave pope Paschal such a frightful idea of the imperial power, that it was some years before he could so far recover himself as to declare that the renouncing the right to investitures was a force upon him¹. But it cost more time to bring him to courage enough to pretend to excommunicate the emperor².

Henry I.

1110-

1113.

Nor did the empire only reap the advantage of the mortification of that court, which was never at quiet but when it was out of their power to disturb the peace of princes; but for three or four years after the death of Anselm, during which time the court of Rome had very great difficulties to encounter with at home, the affairs of the English church went on so silently that they have left no marks behind. But the archbishopric of Canterbury having continued void about five years, the king about this time came to a resolution to fill it; and as the religious, especially the monks of

1114.

¹ [Paschal made his agreement with the emperor in April 1111. In the following March he publicly declared in the council of Lateran that the agreement was forced upon him, and that he signed it without the advice or concurrence of his council, "super quo" (scripto), he added, "nulla conditione, nulla promissione constringimur". Concil. Labbe X, 768, Mansi XXI, 50: Baron. Annal. an. 1112, vi.]

² [Paschal after his agreement never excommunicated the emperor: no, he had bound himself by oath not to do so. He only approved, confirmed, and ratified the excommunications pronounced against Henry by his legates, cardinal Conon bishop of Palestrina and Guido, or Guy, archbishop of Vienne, afterwards pope Calixtus II. Concil. Labbe X, 786, 808, Mansi XXI, 76, 147, 148.]

Henry I. Canterbury, were infinitely fond of putting that trust into
 1114. the hands of a monk, so on the other side the nobility and bishops, who had seen the reigns of two successive princes embarrassed by one monk, did as warmly oppose the designs of the religious, and desired that that trust might fall into the hands of some secular clerk, whose thoughts being enlarged by conversation and business might raise him above that littleness of spirit, and consequently deliver him from that stiffness and bigotry for little things, which retirement and want of conversation do commonly produce.

3. Whilst these different views led the thoughts of the aforesaid parties different ways, the king according to the usage of this age, without acquainting them with the occasion of his calling for them, sent to the church of Canterbury, requiring them to send some of their body to attend him at Windsor; and, being come thither, he let them know he intended to fill up the archbishopric. The monks fixed their thoughts on Faricius abbot of Abingdon¹; but, for the reasons above, the bishops and nobility desired that one of the bishops, or one of the king's chaplains, or at least some secular clerk might be advanced to that trust, and not a monk². The monks, on the other side, pretended that from the time of Augustin the first bishop none but monks had ever filled that chair, except one who for that and other irregularities had been deposed³.

The pretence was undoubtedly false; for beside Stigand, who was the person they reproach for being deposed, it is not difficult to instance in several prelates who filled that see and yet were not monks. But it was easy for them to believe what their interest obliged them to desire, however contrary to the sense and practice of the best ages of the church, and in particular to the sentiments of Gregory the Great, by whom Augustin was sent into England, and on whose decretal the pretence of those monks is usually founded; for that prelate placed the monks amongst the laity, and gave them

¹ [Eadmer says they were told, and were very glad to hear, that Faricius was to be the new archbishop; and that in fact the king had at first intended to appoint him. Eadm.

Hist. Nov. V, p. 109, 44-49.]

² ["Aut quemlibet episcopum de ordine clericali, aut clericum aliquem de capella regis".] Eadm. *ibid.* 51.

³ *Ibid.* 53.

rules accordingly⁴. Nevertheless, how unlikely soever it may appear that he, who made monks and ecclesiastics distinct orders of men, should by a decretal epistle establish a perpetual succession of monks in the see of Canterbury, yet the decretal of pope Alexander in favour of the monks against the attempt to put seculars in their room is founded upon it⁵, and that decretal, though never yet found among the epistles of Gregory, was the foundation of the present claim of the monks.

Henry I.
1114.

But as their claim was founded on falsehood, it was at this time considered as it deserved; for after some debate Radulphus bishop of Rochester was fixed upon for archbishop⁶. This prelate had had the care of the diocese from the death of Anselm, and being thus chosen by a concurrence of the bishops of the province and a committee of the monks of Canterbury, but by the direction of the king and his great council, without waiting for the consent or approbation of the bishop of Rome, or without paying any regard to the late pretence set up by Hildebrand that the bishops of Rome only had a right to translate bishops, he was immediately translated, and enthroned, and put in possession of that trust; and Ernulphus abbot of Peterborough was made bishop of Rochester in his stead.

4. This affair was transacted the beginning of this year, that prelate being nominated by the king and elected as above the twenty-sixth of April, and enthroned the seventeenth of May following¹. In September he gave investiture to the new bishop of Rochester, and in November his benediction to Albold abbot of St. Edmund's², and continued in like manner to discharge all the offices of his function before he received his pall, which was not brought to him till the latter end of June the following year³.

⁴ [See below, xi, 3.]

⁵ [See before, II, ii, 5.]

⁶ [But Radulphus himself had been abbot of Séez in Normandy, now in the department of Orne. Eadm. *ibid.* IV, p. 96, 31.]

¹ Eadm. *ibid.* V, p. 110.

² *Ibid.* p. 111.

³ *Ibid.* p. 113. [The archbishop did not consecrate any bishop before he received his pall. Eadm. *ibid.*

p. 113, 49. Mr. Hardy indeed, on Le Neve's *Fasti Eccles. Anglic.* II, 558, n. 53, says that Earnulph was consecrated to the see of Rochester in 1114; but it is quite plain from Eadm. p. 114, 2, p. 117, 30, that his consecration did not take place till December 26, 1115. Investiture concerned the temporalities only: see before, II, iv, 5, note 3.]

Henry I. Though the emperor had thoroughly mortified the court of
 1114. Rome about three years before, and this consideration, together with the marriage of Maud daughter of the king to the emperor, so effectually secured the king from the intrigues of the court of Rome, that he did not fail to show his resentment of the ill usage which he had received from thence, and more especially in all the steps which he had taken in the translation of the aforesaid prelate; yet, that things might not come to an open breach, the latter end of this year he permitted the convent of Canterbury to acquaint Paschal with the translation of the archbishop, and at the same time to demand a pall to be sent to England for him. But the air and style of that epistle is such as gave Paschal ground enough to think, that if he did not readily comply things would go on in England without him; for they tell that prelate, that if he did not send a pall the affairs of the English church would return to the ill state they were in under the former controversies, and that they should have no arch-
 1115. bishop⁴. Pope Paschal could not but be sensible what this meant, and therefore yielded to the sending of a pall to the new archbishop: but, to make the best he could of this opportunity, he determined to send it by a legate of his own; and for this end made choice of Anselm, a monk and nephew to the late archbishop of that name.

5. Though the letter and message of the king and bishops of England by the messengers sent to Rome upon that occasion do not appear otherwise than in the answers of pope Paschal, yet there is no doubt they were all of a piece with that of the convent of Canterbury. But, whatever the import of those letters was, it is certain that the court of Rome was very uneasy and out of humour upon the receipt thereof; and Paschal could not forbear showing how sensible he was of the little regard the king and bishops paid to the late pretensions of the papacy; and therefore in a very sour and angry letter to the chapter of Canterbury he tells them that their letter was not only disagreeable, but a great trouble to him, and reproached their presumption in receiving

⁴ ["Ne, sanctitate vestra aures pristinas miserias aliquo eventu pietatis suæ precibus nostris (quod ecclesia nostra, filia vestra, relabatur Deus avertat) non inclinante, in tur." Eadm. ibid. p. 112, 13.]

a new archbishop without so much as acquainting him with it¹. In his epistle to the king he tells that prince, that he exceedingly wondered that in his dominions St. Peter should be denied that honour which was due to him, that neither his legates nor his letters could be so much as received in his dominions without his special license, nor any appeals suffered to be made to the apostolic see². Henry I. 1115.

His other epistle to the king and bishops of England was all in the same strain, full of anger and resentment: for in that he tells them that Christ had divided the care of the world amongst his apostles, but committed Europe to the care of St. Peter and St. Paul in particular, and that appeals from the provinces thereof had customarily been made to the see of Rome; "but you", saith he, "without advising with us determine all ecclesiastic affairs within yourselves, call councils by your own authority, suffer no appeals to be made to us, and without our consent translate bishops;" then concludes with threatening that if they persist in their obstinacy he should be obliged to shake off the dust of his feet against them³.

6. How well this prelate understood the claim to an universal pastorship, which pope Gregory had advanced the latter end of the preceding age, and his successors have since raised up to a place amongst the articles of faith, or whether he has done right to his see in limiting its pretensions to Europe, I shall leave others to inquire: but cannot omit to do him right in acknowledging that he has given the world a just account of the sentiments and practice of the English church, and by a testimony past dispute made it appear, that the king and clergy of England did at this time look upon the English as a free and independent church, as a church invested with a power sufficient to determine all affairs within themselves, and that such determination was final and without appeal; that they had power to constitute their archbishops without consulting those of Rome; that, being constituted, those bishops had power to discharge all the functions of that important trust without a pall; that the metropolitans had a right to convene their provincial councils,

¹ Ibid. p. 114.² Ibid. pp. 112, 113.³ Ibid. pp. 115, 116.

Henry I. and the king national synods, without the intervention of a
 1115. papal legate; that a legate could not come into England but on the desire of the king; that the bulls and decretal epistles of the bishops of Rome were so far from having any innate or proper authority, or any authority at all but what they derived from the consent of the English church and nation, that without the express consent of the king they ought not to be opened, or so much as received, in England. In short, since an allowed and general usage is one of the most certain proofs of the received doctrine of a national church, if we may rely on the account that pope Paschal gives of the present practice, nothing can be more manifest than that it was at this time the received sense of the English church, that the bishops of Rome had no authority in England but what was voluntary and owing to their own consent, and such as might be let in or shut out at pleasure; that the English church was free and independent, invested with a power sufficient to judge or determine, enact, and do whatever was necessary to the integrity, purity, and honour of a national church.

And the sentiments of the Norman church were much the same with those of the English: at least thus much appears, that about this time, Cono a cardinal and legate of pope Paschal being sent into France, the Norman bishops refused to own his authority, and though cited three times to a council called by him, yet they refused to appear¹. Now, to teach the English what it was that Paschal meant by "shaking off the dust of his feet", the legate excommunicated the Norman bishops². But, whatever conviction that argument might seem to carry with it, the king of England was so far from yielding to it, that this proceeding only worked upon his anger³, and produced nothing else but a resolution in that prince to keep the legates from doing him mischief by keeping those creatures out of his country.

7. In the mean time the king sent the bishop of Exeter, William Warlewast, to Rome, to remonstrate against these proceedings of that court, and, as I think, more particularly in the case of the Norman bishops¹. These bickerings be-

¹ Ibid. p. 116, 18.

² Ibid.

³ Ibid. 20.

¹ Ibid. 15-23.

tween the royal and the papal power were by this time become so common in England that they were no longer surprising; but the application of the chapter of St. David's in Wales about this time to the king of England to provide them a bishop is not so easily to be accounted for. Whatever influence the kings of England had upon those of Wales, there is no mention of any British bishops appearing in any English council from the first foundation of the English church till after this time; which makes it probable that the church of Wales had hitherto preserved its ancient rights, and continued in a state of independence on that of England. There is no doubt but Gregory the First assumed a power he had no right to, when in the rescript by which he pretended to give a model to the English church he did also pretend to give the archbishops of Canterbury an authority over the British churches²; and some of the succeeding popes went on in the same steps. But after all we do not find, in a course of above five hundred years, any one British bishop appearing at the councils of the archbishops of Canterbury, applying to him for consecration, or doing any one act by which they might be thought to own those prelates as their primates, much less as their metropolitans; which makes it most likely that the changes in the British church followed those of their state, and that at the same time and by the same steps, by which that nation came into the dominions of the kings of England, their church submitted to and became a member of the English church.

8. It seems probable that Harvey, at this time bishop of Ely, and before bishop of Bangor, had upon some former conquest of North Wales been made bishop of Bangor by the king, or by his brother William¹, though afterwards driven out from thence by the Britons; so it seems probable too that by some of the late expeditions of king Henry his conquest in South Wales gave occasion to the application I have just now mentioned: but, whatever occasioned it, it is

² [See before, I, ii, 7, 13.]

¹ [Harvey must have been made bishop of Bangor by William Rufus. He was consecrated to that see by Thomas archbishop of York, while the see of Canterbury was vacant

after the death of Lanfranc in 1089. Stubbs, *Act. Pontif. Eborac. int.* X Scriptor. ed. Twysden 1707, 21, cited in Le Neve's *Fasti Eccles. Anglic.* I, 96, ed. Hardy.]

Henry I. very evident that the clergy of the bishopric of St. David's did
 1115. about this time, upon the death of Wilfrid their former bishop, apply to king Henry, and that he recommended Bernard one of his chaplains to that trust; who was consecrated by Radulphus archbishop of Canterbury, and made his profession of canonical obedience to the archbishops and church of Canterbury ².

If we add to this, that the bishops of Rome did in this and especially in the succeeding age make a much greater figure than their predecessors had ever done before, and that that gave new life and vigour to obsolete and forgotten bulls, we have, it may be, the true reasons why the British churches about this time so quietly submitted to own the archbishops of Canterbury as their metropolitans: for, however our archbishops might found their claims on the grant of pope Gregory the First, yet, if the fate of their country had not led the way to this change, and first made the Britons subject to the crown of England, it is very rational to think that the claims of the archbishops of Canterbury and the bulls of pope Gregory would have signified no more at this time than they had done for five hundred years before. And indeed this very prelate, about this time made bishop of St. David's, and who by his aforesaid profession seemed to give up all pretensions and thoughts of the title of a metropolitan, did somewhat above twenty years after set up his pretensions and begin a controversy on that subject; and though his profession was turned against him, and had possibly some weight in that controversy ³, yet one cannot forbear thinking that the fate of Wales was the true ground upon which this controversy was finally determined in favour of the see of Canterbury ⁴.

² Eadm. *ibid.* p. 116.

³ [See below, x, 14.]

⁴ [There can be no doubt that in Wales, as in England, the appointment and consecration of bishops followed the right of conquest. Of the see of St. Asaph nothing certain is known till the year 1143, when a bishop was consecrated to it by archbishop Theobald. *Le Neve* I, 64. On the see of Bangor see note 1. For St.

David's bishop Lunverd was consecrated by archbishop Aethelred during the reign of king Alfred. *Dicet. Abbrev. Chron. int. X Scriptor. ed. Twysden* 451, 17. And from Eadm. *Hist. Nov. II*, p. 34 (cited by Hardy on *Le Neve* I, 289, n. 27) it appears plainly that Wilfrid, who was bishop Bernard's immediate predecessor there, was under the authority of archbishop Anselm. Simeon of

9. If reasons of the same kind will not account for another application to the same archbishop from the king of Scotland, we shall be as far to seek for the grounds thereof as we are for that from Wales. For about this time Alexander king of Scotland in a letter to Radulphus archbishop of Canterbury tells him, that, Turgot late bishop of St. Andrew's being dead, he desired his assistance and advice in filling up the vacancy. And, the better to engage him in that affair, he acquaints that prelate, that by reason of his own absence Lanfranc late archbishop of Canterbury had permitted Thomas then archbishop of York to consecrate the late departed bishop of St. Andrew's, whereas (saith he) in ancient times the bishops of St. Andrew's were not wont to be consecrated but by the bishops of Rome or the archbishops of Canterbury; and therefore desires his assistance in bringing this matter to the ancient usage¹. This instance is a good argument that the story of the government of the church of Scotland by a sort of monks known by the name of Culdees, and which some of the late Scottish writers as well as some of our own are so fond of, was yet unknown; and indeed so it continued for above two hundred years after the death of Alexander now king of Scotland, and had doubtless so remained to this day, if Fordun the monk, to serve the vanity of the monastics, who by that time began every where to aspire to an episcopal power, had not put that groundless and impudent imposture upon the world².

Henry I.

1115.

Durham, ed. Twysden 236, 65, has remarked that Wilfrid's predecessors were all British. Lastly for the see of Llandaff bishops seem to have been consecrated by the archbishops of Canterbury from Aethelred downwards. Le Neve II, 240, 241.]

¹ Eadm. *ibid.* p. 117. [See below, viii, 1.]

² [Fordun. *Scotichron.* III, 8. John of Fordun was not a monk, but a presbyter and canon of Aberdeen. He wrote in the latter half of the fourteenth century. Concerning the Culdees, Kyldees, or Keldees, Keledei, see Lloyd's *Historical account of Church-Government* Ch. VII, and Goodall's *Preface to Keith's Catalogue of the Scottish*

Bishops, which in bishop Russel's edition of the *Catalogue* is entitled a "Preliminary Dissertation on the Culdees". These writers fully disprove Fordun's statement and the conclusions drawn from it. On the other hand Dr. Jamieson in his *Historical Account of the Ancient Culdees of Iona*, a quarto volume published at Edinburgh in 1811, attempted to maintain it in support of the presbyterian system. It should be remarked that Fordun in the passage cited at the beginning of this note speaks only of presbyters or monks, without mentioning the name of Keldees, and that there is no sufficient authority for giving that name to the monks of Iona.]

Henry I. But though it is as evident that the church of the Albion
 1115. Scots was from the very foundation thereof to this time governed by bishops, as it is that Christianity was settled amongst them; and the testimony of king Alexander alone is a better evidence of the antiquity of that government than all that was ever yet brought against it; and on the contrary the shortest way that prince could have thought on to have rid himself from the claim of the archbishop of York had been to have told the world that the ancient government of the Scottish church was by monks who were presbyters and known by the name of Culdees; and the arguments against that groundless pretence would be cleared beyond dispute, if the matter of fact as it stands in that prince's letter could be cleared too; yet I must be so far just to truth as not to forbear saying, that, though the arguments against that idle tale seem irrefragable, yet I have not met with reason enough to induce one to rely on what that prince saith of the consecration of the bishops of St. Andrew's by the bishops of Rome or Canterbury.

1116. 10. However that matter stand, whilst a king of the Scots was thus enlarging the power of the archbishop of Canterbury by inviting it into Scotland, the court of Rome was entering into measures to bring it into as little compass as was possible in England, and this was by introducing the power of their legates: in order whereunto Anselm, nephew to the late archbishop of Canterbury and abbot of St. Saba¹, was constituted legate by pope Paschal, and with that character despatched away to England. But the king being at this time in Normandy stopped the legate, and gave notice to the queen and privy council of England; who, well considering the consequence and novelty of this affair, called the great coun-

¹ [The monastery of St. Saba at Rome was founded for Greek monks. On the separation of the eastern and western churches it passed into the immediate patronage of the popes. Lucius II in January 1145 subjected it to the abbey of Cluny, and placed in it a body of monks whom Peter the Venerable sent to Rome at his desire; but this arrangement does not seem to have lasted long. Petr.

Clun. Epist. IV, 24, 25; Biblioth. Cluniac. 856, 857, 1408, 1409. At length Gregory XIII in 1573 annexed it to the German college, which Ignatius Loyola had founded at Rome in 1552 for the purpose of checking the progress of Protestant principles in Germany. See Fil. de' Rossi, *Ritratto di Roma Moderna*, pp. 136, 264.]

cil to meet in London; where, by the unanimous consent of Henry I. the bishops, nobility, and abbots, this attempt was resolved 1116. to be contrary to the customs and laws of England; and accordingly they resented it as a novelty and usurpation, and not only resolved not to suffer the legate to come into England, but concluded it most advisable to prevent all attempts of this kind for the future. And in order thereunto they desired that the archbishop of Canterbury should go away into Normandy, and having concerted this matter with the king should, if he thought fit, go as his ambassador to Rome, to expostulate with pope Paschal, and represent to that court the sense of the king and kingdom of England on this subject².

In pursuance of this resolution of the queen regent and 1117. parliament of England the archbishop of Canterbury began his journey to Normandy, where finding the king of the same sentiment with his great council, he was despatched away to Rome. Herbert bishop of Norwich, who was joined with the archbishop in the embassy, fell sick by the way, and was forced to return to Normandy, and the archbishop pursued his way to Rome. But Paschal was at that time at Benevento, and the archbishop so fatigued with the journey that he was not able to go to him: however, he despatched messengers with such letters and instructions as prevailed upon him to recall his legate; and in an epistle sent to the king pope Paschal made him a formal promise, that he would neither do nor suffer any thing to be done that should any way violate the right of the archbishop of Canterbury³. And so after

² Eadm. *ibid.* p. 118.

³ *Ibid.* p. 120. [The pope's letter ends thus: "Illam ergo dignitatem, quam ab eo" (sc. Gregorio I) "per beatum Augustinum Cantuariensis suscepit ecclesia, et quam frater noster sanctæ memoriæ Anselmus jure ac possessione legitima tenuisse cognoscitur, nos profecto nullatenus imminuimus, sed in eodem statu esse Cantuariensem ecclesiam volumus, ut autentica ejus privilegia juxta canonum sanctiones nullis perturbationibus violentur."

Upon which William of Malmesbury's comment is worth transcribing.

"Hic si papa expresse dixisset, 'has et has dignitates habuit ecclesia Cantuariensis, et easdem illi confirmo', absolvisset litigium, controversiis imposuisset modum. Sed dicens, 'quæcunque autentica habet nos nullatenus imminuimus', indeterminatam rem, ut erat, reliquit in medio. Sic callidus lepos Romanorum novit se convertere ad oratorum versutias, et quæ vult cassa suspendit ambage, non parcens alienis laboribus, dummodo consulat suis profectibus." Malmesb. Pontif. I, fol. 131 b, 31-41.]

Henry I. long waiting the legate returned as he came; for though the
 1117. king had used him civilly in Normandy, yet he suffered him to do nothing as legate⁴.

11. The aforesaid epistle of Paschal bears date the two-and-twentieth of March this year¹, and he died in the beginning of the next month², so that God denied him time and opportunity to break the promise which in probability he never intended to keep. But if the archbishop succeeded in this embassy, he was somewhat mortified by a letter wrote by pope Paschal in favour of his adversary Thurstan archbishop elect of York. His predecessor Thomas had upon his election to that see refused his profession of canonical obedience to Anselm, and this began the controversy between the two English archbishops³. His successor in the see of York, Thurstan, followed his steps; but, the king countenancing the pretence of the archbishop of Canterbury, Thurstan was driven from his bishopric, but going to Rome he prevailed upon Paschal to write to the king to desire his restoration⁴. And in the same epistle, contrary to the determination of his predecessors in the dispute betwixt Lanfranc and Anselm and the preceding archbishops of York, he determined in favour of Thurstan⁵: but this enlarged and gave new life to this controversy, rather than put an end to it.

[1118.] Whilst the affairs of the English church continued in this state pope Paschal died, by whose death a new schism was begun in the Roman church⁶. But England was ever most

⁴ [Eadm. *ibid.* pp. 121, 35; 126, 25:] Malmesb. *ibid.* fol. 131 a, 50.

¹ [The date is "IX kl. Aprilis", that is, March 24.]

² [For "month" we should read "year". Paschal II died in January 1118.]

³ [The controversy between the two archiepiscopal sees was begun by Thomas I of York refusing his profession of canonical obedience to Lanfranc in 1070. See before, II, ii, 6, iv, 4. Thomas II, archbishop elect of York in 1108, likewise attempted to defeat Anselm's claims, but at last made his profession duly at his consecration in St. Paul's cathedral in June 1109 after Anselm's death. Eadm. *ibid.* IV, pp. 97-104.]

⁴ Eadm. *ibid.* p. 121.

⁵ [The pope says in the letter that he does not wish to degrade the see of Canterbury or to prejudice the see of York: he then directs the restoration of Thurstan, and desires that whatever question is in debate between the two sees shall be discussed before himself in the presence of both parties.]

⁶ [Henry V caused Maurice Burdin, archbishop of Braga in Portugal, to be declared pope in opposition to Paschal's successor, Gelasius II. Burdin took the name of Gregory VIII. His dignity came to an inglorious end in April 1121. See below, viii, 3.]

at quiet when the court of Rome was most embroiled: for that court was so charmed with the hopes of the new monarchy they had projected, that those views were ever before their eyes, and with a restless and unwearied zeal still led them on to gain something from the civil or ecclesiastic power to make an addition to their own; and, when they could do nothing more, they had intrigues and trains on foot. The immediate successor of Paschal was Gelasius, a proud and aspiring prelate; but he lived but a little while, and was succeeded by Guido archbishop of Vienne: for Gelasius being driven into France died there, and those of the Hildebrandine faction which followed him thither chose Guido in his room, who took the name of Calixtus; who, the same year that he was advanced to that station, appointed a council to meet at Rheims in October⁷.

Henry I.

1117.

[1118.]

1119.

12. The king of England was at this time in Normandy, and therefore sent some Norman bishops and abbots, and such of the English bishops as were with him, to be present at that council. But the usage he had received from the court of Rome was yet so fresh upon his thoughts, and he was still so jealous of the arts and intrigues of that court, that, whilst he thus seemed to pay a respect to Calixtus, he was resolved to have nothing to do with him. Therefore, when his bishops came to receive their instructions in order to their journey to the council, he commanded them to make no manner of complaints, and told them that if any thing needed regulation it should be done at home, and commanded them to go and salute the pope in his name, but to bring none of his superfluous inventions back into his dominions¹. It seems by this way of speaking, the king had carried the sentiments of the English church with him into Normandy: and, as he continued steady to the received opinion of the sufficiency of that power which God had committed to national churches, so the directions he gave to his clergy give us grounds to believe, that he was yet a stranger to that veneration and submission to the bishops of Rome and their councils which has of late been pretended to be their right; and

⁷ [Gelasius II died at Cluny January 29, and Calixtus II was elected February 1, 1119.]

¹ Order. Vital. XII, pp. 857 D, 858 A, ed. Du Chesne.

Henry I. on the contrary the air and turn of his instructions plainly
 1119. show that he had a very mean and contemptible opinion of them both, and incline one to think that he had no other views in sending his clergy to the council of Rheims, but to observe the motions of that assembly, and to have an eye upon the designs of Calixtus.

13. This matter was not carried so privately, but Calixtus had some knowledge of it, and was in some measure revenged. For the dispute about the primacy or authority of the archbishops of Canterbury over those of York had been revived in Anselm's time; and it was not without great difficulty and reluctance that Thomas then archbishop of York was brought to own the primacy of Canterbury¹. But, Thomas dying and Thurstan being chosen archbishop in his room, that controversy was revived again; for Thurstan, rather than make his profession of canonical obedience to Radulphus at that time archbishop of Canterbury, declined his consecration, having, as the event shows, turned his thoughts another way. And in pursuance of this his secret purpose he applied himself to the king for his leave to go over into France: but a conduct of this unusual kind made it easy to conjecture at the true reason thereof; and the king suspecting that the design of that prelate was to receive his consecration from the pope, before he granted him leave to go, he made Thurstan promise, that he would neither ask, nor receive consecration from the pope, if offered to him².

But, not to trust too far to a man whose temper he had reason to suspect, the king resolves to make sure work, and therefore writes to the pope to acquaint him with this affair, and desires that he would not give consecration to Thurstan³. Pope Calixtus promised him as readily as Thurstan had done⁴: and these two prelates were equally sincere and just to the king and their promises; for during their stay at Rheims Thurstan desired, and pope Calixtus gave him, consecration in the metropolitical church of Rheims⁵. Malmesbury, though he wanted no affection to the papacy, has observed

¹ [Eadm. Hist. Nov. IV, pp. 97-104.] de negotio quo de agit quavis ratione secus acturum quam ipse velit."]

² Ibid. V, p. 124, 50.

³ Ibid. p. 125, 9.

⁴ ["Ne putet rex", said he, "me XII, p. 858 A, ed. Du Chesne.

⁵ [Ibid. 22-36:] Order. Vital.

that this was contrary to the ancient canons of the church⁶. Henry I. And this is so evident, and a truth at that time so well known, 1119. that John archdeacon of Canterbury, who was then at Rheims, openly remonstrated against it, and told pope Calixtus in the presence of a numerous assembly, that he had no authority as pope to consecrate that prelate to the wrong of the archbishop of Canterbury⁷. But so resolved was Calixtus, that he hasted on this affair so fast, that the consecration of Thurstan was over before the English and Norman bishops could arrive at Rheims⁸.

14. When the dispute lay betwixt Lanfranc archbishop of Canterbury and Thomas the First archbishop of York, it was determined, in the presence of Hubert legate of pope Alexander, in favour of the former¹. And when the like dispute arose betwixt Anselm and Gerard the succeeding archbishops, pope Urban² and Paschal were passionate on the side of Anselm, and declared it his undoubted right to demand, and the duty of Gerard to make, profession of canonical obedience to him as primate of the English church³. And this had still been the case, if the present archbishop of Canterbury had happened to quarrel with his prince, and had taken part with the papacy against him: but that prelate being entire in the interest of the king, and Thurstan by his temper well fitted to serve the designs of the papacy, this altered the case, and misled the judgment of Calixtus; or, to speak more properly, he, as his predecessors had done before him, determined on the side of his interest. The conduct and late instructions of king Henry, the jealousy with which he watched the motions of the court of Rome, his relation to and his strict friendship with the emperor, gave such light into the true sentiments and resolutions of that prince, that Calixtus easily foresaw it would be impossible to bring him heartily into the measures of the Hildebrandine faction, and that all attempts to oblige him would be useless. Therefore he turned his thoughts another way, and without any further deliberation broke

⁶ ["Spreta omni antiquitatis regula."] Malmesb. Pontif. I, fol. 131 b, 52. ["Contra omnes consuetudines majorum." Ibid. III, fol. 156 b, 13.]

⁷ Eadm. ibid.

⁸ [Ibid. 43.]

¹ [See before, II, ii, 7.]

² [Urban II died July 29, 1099. Thomas I, the predecessor of Gerard in the see of York, died November 18, 1100. Flor. Wigorn.]

³ Eadm. ibid. IV, p. 106, 45.

Henry I. through all ties of faith and honour, as well as those of the
1119. canons and discipline of the church, in hopes either to force the king into his interest, or so to embroil his affairs that it should not be in his power to hurt him : in the mean while, the honour of Christ and his religion were never thought of. But, whatever were the views on which that prelate acted in this business of Thurstan, it was easy to foresee that it would make a division in England, which might break the measures of the king : therefore the king resented it as the importance of the matter deserved, and forthwith forbade Thurstan to return into England or Normandy⁴.

15. The king's affairs were so perplexed at this time that it was not advisable to come to an open breach with the pope. For, though Normandy was at quiet, and his brother Robert, the rightful duke thereof, safe in prison, yet by the long absence of that prince his former ill conduct began to be forgotten, and his sufferings had so gained upon his people that their resentments began to settle into pity. Besides, the French king, who wanted no ill will to king Henry, espoused the interest of his brother, and in the council of Rheims openly reproached the king's injustice, and had for some time appeared in arms against him ; and these reasons had detained the king for two or three years in Normandy. Besides, the pope had offered his mediation to put an end to the war with France : therefore notwithstanding this false and perfidious treatment, instead of an open quarrel with Calixtus, the king accepted his mediation. On the other hand the friendship of the king was no less necessary to Calixtus : and these considerations so far influenced both sides, that an interview was agreed upon, and not long after the council of Rheims pope Calixtus came to Gisors in Normandy, where the king met him. The court of Calixtus was now poor and in a sort of exile, kept out of Italy ; and this gave an edge to the greediness of that prelate and the court about him : and the king, who could be no stranger to the reasons by which that court had ever been governed, made so good use of his money, that, before he left Calixtus, that prelate yielded that the king should enjoy the usages of his father as well in Normandy as in England, and especially that no legate should be sent into

⁴ Eadm. *ibid.* V, p. 125, 46.

England or Normandy without his leave and his particular desire, and when¹ affairs were so difficult that they could not be determined by the archbishop of Canterbury and other bishops of his kingdom². Henry I. 1119.

And it is not unlikely that the king inspired that prelate with sentiments no less favourable to the interests of the crown: but yet at the same time the king refused to hear the solicitations of Calixtus for the restoration of the archbishop of York, because he had promised upon honour that he should not return into his dominions unless he made his profession of canonical obedience to the archbishop of Canterbury. When the king insisted upon this his promise, Calixtus told him he was pope and would absolve him from his promise³. But this doctrine of dispensing with oaths and promises being yet new to the king, he desired time to consider of it; and not long after sent that prelate word, that, if the pope had power to dispense with him, he did not think it fit to break his word. "For (saith he) this is the way to destroy all faith and trust from among men. Who will rely on any one's word or promise for the future, if my example teach men to break their promises?"⁴ An answer, which carries great truth and weight along with it, and does at once justify the king and reproach the prelate who gave occasion for it; but if it have any thing that merits a reflection, it lies in this, that the answer was much softer than such an impious and mischievous principle deserved; and, if the affairs of the king had not given bounds to his resentment, the fresh instance he had of the perfidiousness with which pope Calixtus had illustrated his new doctrine, and the mischiefs he was like to suffer thereby, might have led him to treat it in another manner, and more suitable to what it deserved. But to return.

CHAPTER VIII.

AB ANNO 1120 AD ANNUM 1127.

1. King of the Scots desires Eadmer to be archbishop of St. Andrew's. He refuses to receive the pastoral staff from the king; insists on his con-

¹ [The words, "no legate should be sent...without his leave", are equivalent to the words, "a legate should only be sent...with his leave"; and if this latter phrase had been used, the sentence would have been consecutive.]

² Ibid. 51.

³ Ibid. p. 126, 6.

⁴ Ibid. 9-13.

secration from the archbishop of Canterbury; falls under the displeasure of the king of the Scots, and is sent home again to his convent.

2. The king makes peace with France; returns to England. His son drowned.

3. Schism betwixt the two popes ended by a battle. Calixtus sends a legate to England. The king permits him to come, but suffers him not to visit cathedrals and monasteries.

4. The king declares it the law of England that a legate ought not to come without leave, and that he would maintain the law; sends away the legate. Radulphus archbishop of Canterbury dies.

5. Disputes about the election of an archbishop of Canterbury. William de Corboil chosen.

6. A war betwixt England and France: the occasion thereof. Pope Calixtus usurps the right of investitures from the emperor.

7. Calixtus sends his legate into England. He is detained in Normandy. Calixtus dies. Honorius succeeds. His legate John de Crema comes into England. The ends of the court of Rome in introducing the legatine power.

8. Oppressions of the papal legates: general complaints thereof. A council called to meet at Westminster.

9. The legate presides in that council. Novelty of that usage: the complaints against it: the ill consequences thereof.

10. That council summoned by the archbishop of Canterbury. Some reflections on his conduct therein.

11. Proceedings of that council.

12. Marriage of the clergy forbid therein. Zeal of the legate on that head; inveighs against marriage; said to be taken that same night in bed with a harlot. Zeal of the Romish writers to vindicate the legate. The grounds of their pretence.

13. That story charged on H. Huntingdon. That writer said to be partial. That charge groundless.

14. Historians agree in the ill character of that legate.

15. Sense of the nation of the legatine power. The archbishop of Canterbury goes to Rome in hopes to put a stop to that usurpation.

16. That prelate is overreached at Rome, and accepts the title of legate: the folly and mischiefs thereof. The reason of his ill conduct. Thurstan archbishop of York falls into the same snare.

17. Gervasius' account of the archbishop of Canterbury's ill conduct. The mischiefs thereof to the English church.

Henry I.

1120.

1. **WHILST** the king continued in Normandy to see the end of the pope's mediation, the archbishop of Canterbury returned to England, well pleased that the king had so firmly adhered to the promise which he had made him; and his late agreement with Calixtus gave him hopes that he should be as safe from the future attempts of the pope's legate on one

hand as from the pretensions of the archbishop of York on the other. Presently after his return into England the archbishop received fresh applications from Alexander king of the Scots. It was some years before, that that prince had signified to the archbishop that the see of St. Andrew's was void, and that it was his desire that it should be filled by a prelate who might receive consecration from him¹. About this time he renewed his request, but with this addition, that he desired that Eadmer a monk of Canterbury might be sent into Scotland to take that trust upon him². The archbishop having first signified this matter to the king, and obtained his leave, Eadmer was forthwith sent away to Scotland with letters of commendation from the archbishop and convent of Canterbury, where he was received with great respect, and soon after elected bishop of St. Andrew's by the clergy and people, the king consenting to the election.

Henry I.
1120.

This prelate was the writer of the story which passeth under his name, and by his diligence and exactness has obliged posterity with the best account we have of our ecclesiastical affairs during this and the preceding reign. But, as he had been secretary and assistant to Anselm in that unhappy dispute about investitures, so he ran into the same sentiments; and partly by refusing to receive his pastoral staff from the hands of the king of the Scots, and partly for pretending that the archbishop of Canterbury was primate of Scotland, and that of right he ought to receive his consecration from him, he so provoked king Alexander, that, without ever receiving consecration, he was forced to return the ring which he had received from the king, and send his pastoral staff back to the altar from whence he took it, and to go back again himself to the monastery of Canterbury³, where he had time enough to repent his stiffness, when it was past a remedy. About two years after he offered to submit to the pleasure of the king of the Scots, and the archbishop of Canterbury wrote in his favour⁴; yet he was never restored: so that, whatever inferences may be made from the applications to the archbishops of Canterbury and York, the account that Eadmer gives of his own affair leaves it past a doubt, that the

¹ [See before, II, vii, 9.]

² Eadm. Hist. Nov. V, p. 130.

³ Ibid. p. 133.

⁴ [Ibid. VI, pp. 139, 140.]

Henry I. king and church of Scotland were far from owning the pri-
 1120. macy the archbishops of Canterbury or York pretended to have over Scotland.

2. Whilst these things were doing, the king by the mediation of pope Calixtus concluded a peace with the king of France, and having settled his affairs in Normandy returned into England the latter end of this year, where he was received with all the demonstrations of affection and joy with which the long absence of princes and the hopes of being eased from their burdens do usually inspire their subjects. But, God knows, this was but a very shortlived joy; for in a very few days after his return he received the surprising news of the loss of his only legitimate son, prince William. For the ship in which that prince was embarked, being accompanied with the flower of the nobility and officers of the army, was by the carelessness of the captain and his crew run upon a rock, coming out of the harbour of Barfleur, and, except one obscure person, the prince and all that accompanied him entirely perished¹. By this one unexpected blow of Providence all the comforts of the king's success and peace were at once snatched out of his hands; and, not many years after, all the hardships which he had put upon his brother were returned upon his family, when the succession he had so long laboured for fell upon his nephew king Stephen.

1121. However the king, as he supported himself under this affliction with the patience and temper which became a wise man², so he did what he could to prevent the future effects thereof: therefore with the advice of his great council, which met the beginning of January this year, he came to a resolution (his queen dying some time before³) to marry again; and accordingly not long after he married Adeliza daughter of Godfrey duke of Lorraine⁴. But this did not answer his

¹ [The circumstances of this shipwreck are related in detail by Order. Vital. XII, p. 868 ed. Du Chesne, and by Malmesb. Gest. Reg. V, § 419 ed. Hardy. According to Orderic (as above cited and at p. 875 D) it took place in the night of November 25, 1119: but the English chroniclers put it a year later.]

² [Eadm. *ibid.* V, p. 135.]

³ [May 1, 1118. *Ibid.* p. 122.]

⁴ [*Ibid.* VI, p. 136. By several chroniclers Godfrey is styled count of Louvain. In 1096 he succeeded his brother Henry III as duke of Brabant and count of Louvain; and in 1106 he recovered from Henry of Limburg the dukedom of Lower Lorraine, which duke Otto three

expectation ; for that princess brought him no son, and his nephew Stephen earl of Blois supplanted and put by his daughter Maud : so easily does the overruling hand of Providence break the wisest measures, and bring to nothing the counsels and designs of princes.

Henry I.
1121.

3. Though the disappointment he thereby received did not touch the king in so tender and sensible a part, nor break in upon him with so much violence as that before mentioned, yet the king found himself no less disappointed and mistaken in what he had promised himself from his late agreement with pope Calixtus. For that prelate, having by the interest of his party raised an army, besieged pope Burdinus at Sutrium near to Rome, and, having taken him prisoner, put him into a monastery and broke his party¹. And this so elated Calixtus that he presently forgot all the agreements and promises which he had made during his exile ; and the spirit of Hildebrand returned so quick upon him, that from that time forward he thought of nothing less than carrying on the great designs which he had begun : therefore he forthwith despatched his legates up and down, and under pretence of notifying the deposition of his rival hoped to enlarge his own power².

1122.

Peter a Roman and a monk of Cluniac³ was made his legate for France, England, Scotland, and Ireland, and in pursuance of this charge came into Normandy, where he was forced for some time to wait the leisure of the king ; but that prince having consented that he should come into England, he sent Bernard bishop of St. David's and John a clerk to accompany him thither. Whether this was intended as a mark of respect, or to have his spies upon the legate, is not certain ; but it is evident that the king by the advice of his council gave instructions to those whom he sent to attend him, not to suffer the legate to lodge in any cathedral or monastery in his way, or to receive any presents or provisions for his journey from them. And though Calixtus had forgot his agreement, yet the king thought fit to let his legate know

generations before had held with the dukedom of Brabant. Anderson's Royal Genealogies, Tables 355, 364.]

¹ Baron. Annal. an. 1121, i-v.

² [Eadm. ibid. p. 137, 35-43.]

³ [This was Peter "the Venerable", elected abbot of Cluny (Cluniacum) in 1123.]

Henry I. he had not forgot it: therefore, as he suffered him to come
 1122. into England no otherwise than as a private man, so, when he came to his presence, he told the legate, that by reason of the war against the Welch wherein he was engaged he had not time to apply himself to the things the legate was charged with, and that without the consent of his great council his commission could not take effect⁴.

4. He further told the legate, that pope Calixtus had agreed with him that the usages of his father should remain inviolable; and that amongst other, the undoubted rights of the crown of England, this was one, that no legate from the bishop of Rome ought to come into England but upon the express desire of the king; and that, so long as he lived, he would never suffer the laws of England to be violated. Therefore after some civilities and presents to the legate he sent him back again as he came, without suffering him to do any one thing in pursuance of his commission¹.

There is no doubt but that court which sent this legate into England, under the colour of that message with which he was charged, designed nothing less than to open a way to break in upon the authority of the national church: therefore the archbishop of Canterbury, who, as primate, was more immediately concerned in that design, could not but take great pleasure in the disappointment of the legate. But, whatever satisfactions Radulphus archbishop of Canterbury might receive in seeing the authority of his see thus rescued from the insults of the legate by the wisdom and resolution of the king, he had but a little time to enjoy them; for, having laboured for some time under an ill state of health, he died the twentieth of October this year².

1123. It was the beginning of the following year before the affairs of the state would permit the king to supply the loss the church had sustained in the death of the late archbishop Radulphus: but on the feast of the Purification the king appointed the meeting of his great council in the city of Gloucester; and, the prior and some of the monks of Canterbury being called thither to attend upon that assembly, the king recommended to the bishops of the province and the

⁴ Ibid. p. 137, 43-p. 138, 12.

¹ Ibid. p. 138, 12-22.

² [Ibid. p. 141.]

proctors of the church of Canterbury the choice of a new archbishop with a promise to gratify them in the acceptance of such a person as they should recommend³. This favour immediately gave beginning to the dispute which the like subject had before occasioned at the election of the late archbishop Radulphus⁴. Henry I. 1123.

5. The monks could not bear the thoughts of having that trust put into any other hands but those of the religious, and employed all their interest to carry the election according to their own desires. On the other hand the bishops universally agreed not to suffer any but a secular clergyman to be advanced to that important trust; and Roger bishop of Salisbury and Robert Bloet bishop of Lincoln¹, the great ministers and favourites of the king, being very hearty in the interest of the bishops, made the king privy to this affair, and engaged his favour and countenance therein: therefore, after a struggle of two days, by the interest of the bishops of the province the election fell upon William de Corboil prior of the canons of Chiche² to the great regret of the monks. However, that prelate being chosen, the king confirmed his election; and some time after the new archbishop, being first consecrated, went away to Rome to demand his pall. And it is not unlikely that under the colour of fetching his pall he hoped to engage that court in the dispute yet depending betwixt the sees of Canterbury and York: however, this journey gave such umbrage to Thurstan archbishop of York that he also hasted away to Rome, where that dispute, which had already cost so much time, was again revived. But the new archbishop of Canterbury, having received his pall and seeing little hopes of ending this dispute, without waiting any longer for the sense of that court, returned to England³.

In the mean time the affairs of king Henry grew still

³ [Sax. Chron. an. 1123.]

⁴ [See before, II, vii, 2. 3.]

¹ [Robert Bloet, bishop of Lincoln, died in the early part of January 1123; but he had joined in concerting the election. Sax. Chron.: Flor. Wigorn. Continuat.]

² [Chiche is in Essex, in Tendring Hundred, on the left bank of the mouth of the river Colne. The old name is nearly lost in that of St. Osyth, to whose honour Richard

de Beaumes, bishop of London 1108-1128, founded there a religious house for canons of the order of St. Augustin. William de Corboil, or Curboil, was the first prior. Dugdale, Monast. Anglic. II, 182, or VI, 308 in the new edition.]

³ [Sax. Chron. an. 1123: Sim. Dunelm. Gest. Reg. an. 1123: Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1662.]

Henry I. more intricate and perplexed. With the advice of his council
 1124. he had married a young and beautiful princess, and the affection he bore towards her redoubled the satisfaction he had received in the hopes of having issue by her. And this consideration might possibly bear up his patience under the loss he had sustained by the death of his son: yet this went no further than his own breast, and had no influence upon any body else; for his own subjects, seeing he had no male issue, began to turn their thoughts another way, and were not forward to provoke a prince to whom they might in time be obliged to submit. And these views led them into cabals and intrigues, which gave such grounds of suspicion to the king that the French historian saith, his domestic officers and servants conspired against his life; that he could confide in nobody, trembled at the approach of all that came near, died a thousand times a day for fear they should murder him, in the night changed his bed five or six times, and changed his guards, not thinking he was safe in any place ⁴.

6. Though this eloquent and judicious writer carries this matter a little too far, yet there is somewhat of truth in it. But, whatever there is in this particular, there is no doubt but the death of his son prepared the way to those attempts against him by the French king, the duke of Anjou, and his nephew prince William, the son of Robert late duke of Normandy. At the last agreement betwixt the kings of England and France, William son of king Henry was made duke of Normandy, and as such did his homage to Lewis the Gross, king of France; and, the better to secure him in that post and to perpetuate the peace, a marriage between that prince and a daughter of the duke of Anjou was agreed ¹. Now this

⁴ Mezeray, an. 1123. [The authority for the statement is Suger. Vit. Ludov. Gros., Bouquet XII, 44 B, C; and the period to which it belongs is about the year 1118.]

¹ [Henry managed to detach Fulk, earl of Anjou, from his alliance with the king of France in May 1119, and Henry's son William was married to the earl's daughter Matilda in June following; but the marriage seems to have been agreed upon in the early part of 1114, when peace was before made between Henry and Fulk. Order. Vital. XI,

p. 841 B, XII, p. 851 B, ed. Du Chesne. The war between Henry and Louis le Gros still continued after the marriage; at the council of Rheims in October 1119 Louis made a formal complaint against the king of England; at length in 1120, and then only in consequence of the pope's mediation, a treaty of peace was concluded, and the young prince William did homage to Louis as the nominal duke of Normandy, his father Henry retaining the real possession. Ord. Vit. XII, pp. 851-866: Sax. Chron. ann. 1119, 1120:

marriage, by reason of the untimely death of the prince, Henry I. who was drowned not long after, having never been consum- 1124.
mated², the duke of Anjou recalled his daughter³: but the king of England detained the portion he had received with her; and this not only broke the friendship betwixt the two kings, but gave beginning to a war between them. The better to give an edge to his revenge, the duke of Anjou gave his eldest daughter⁴ to William son of Robert late duke of Normandy, the king's elder brother; and about the same time the earldom of Flanders was adjudged to that young prince by the king of France⁵, as being descended to him in right of his grandmother Maud, who was wife to William the First and daughter to the earl of Flanders. Upon this occasion a new and a bloody war, betwixt the king of England on the one side, and his nephew the earl of Flanders assisted by the king of France and the duke of Anjou, began again in Normandy⁶.

To add to the sorrows which lay already but too heavy upon the king, pope Calixtus made a new attempt upon him. That prelate had so embroiled the emperor, that the imperial right of investitures, which had cost his grandfather⁷ so much

Flor. Wigorn. Continuat. an. 1119: Sim. Dunelm. Gest. Reg. ann. 1119, 1120.]

² [The young prince was a little more than seventeen years of age, and his bride about twelve, at the time of their marriage. Order. Vital. XII, pp. 869 B, 875 D: Malmesb. Reg. V, § 419 ed. Hardy. He was drowned November 25, 1120. See before in this chapter § ii, note 1.]

³ [The earl of Anjou sent to England for his daughter in 1121. Sax. Chron.]

⁴ [Sibylla was the younger daughter of the earl of Anjou. It does not seem certain that she was actually married to William; but, whether married or only betrothed, Henry found means to dissolve or prevent the union on the plea of consanguinity. The engagement was contracted in 1123 or possibly the year before, and was annulled by the pope's legate, John of Crema, in 1124. Sax. Chron. ann. 1123, 1124, 1127: Order. Vital. XI,

p. 838 B; XII, pp. 876 A, 882 A: Calixt. II Epist. 29: Honor. II Epist. 12: Bouquet, Recueil des Historiens, XII 708, not. a.]

⁵ [William was made earl of Flanders after the murder of Charles the Good in the beginning of March 1127, having married the half-sister of the queen of Louis le Gros in January of that year. During his short tenure of the earldom he was too much occupied with enemies in Flanders to be at open war with his uncle in Normandy. He was mortally wounded at the siege of Alost in July 1128, and died in five days. Order. Vital. XII, pp. 884-886: H. Huntingd. VII, fol. 219 b.]

⁶ [War was raised in Normandy on behalf of William in 1123 by several of the most powerful barons, and they were assisted by Fulk of Anjou: but Henry defeated and broke up the confederacy in 1124. Sax. Chron. ann. 1123, 1124. Order. Vital. XII, pp. 876-882.]

⁷ [For "grandfather" here we should read "father". See before,

Henry I. blood, was about this time surrendered up to Calixtus. This
 1124. success gave new vigour to the hopes of the court of Rome :
 therefore, notwithstanding his former agreement with the
 king and the disgraceful repulse which his former legate had
 received in England, being sensible that his usurpation could
 never affect the English church, unless he could break through
 the laws of England which shut out his legates, and over-
 whelm the power of the English metropolitans by introducing
 the legatine authority, Calixtus determined this year to send
 his legate into England, and for this purpose made choice of
 John de Crema a priest cardinal to support the character⁸.

1125. 7. This prelate had so entirely espoused the interest of
 pope Calixtus during the late schism, that he was trusted with
 the command of the forces which he employed against his
 adversary Burdinus, and was present at that action at Sutrium
 wherein Burdinus was beaten and taken prisoner¹. And
 thus accomplished for the new trust which was put into his
 hands he arrived in Normandy the latter end of the preced-
 ing year, where he was for some time detained ; so that
 before he could come into England pope Calixtus died, and
 with him determined the commission and character of the
 new legate for a while : but, Honorius being chosen his
 successor the beginning of this year, the legate received a
 new commission. And now for the reasons above mentioned,
 and that he might secure the interest of the Roman court in
 so critical a juncture, the king, who had hitherto with a zeal
 and resolution becoming his character and trust maintained
 the law of England, and together therewith the ancient
 government of the catholic church, which knew nothing of
 the legatine power further than it lay in common to princes
 and to every bishop of the Christian church, did about this
 time permit the aforesaid legate to enter into England, and,
 for aught appears to the contrary, without any great difficul-
 ties yielded to the execution of that commission with which
 he was charged.

The court of Rome well knew, that whilst the authority of

II, v, 9, note 3 ; and 10, note 3.
 The convention which settled the
 question of investiture was made at
 Worms in September 1122 between
 the emperor Henry V and pope

Calixtus II.]

⁸ Concil. Britan. Spelman II, 32,
 [Wilkins I, 406.]

¹ Platin. Vit. Calixt. II.

national churches was final, and the power of metropolitans continued upon the same foot the ancient canons of the church had placed it, it was in vain to hope for that supremacy to which the bishops of Rome had for some time been aspiring: therefore, notwithstanding the many repulses which their legates had already received in England, they resolved to serve themselves upon the present necessities of the king; and accordingly John de Crema, having received his commission and instructions from the court of Honorius the new bishop of Rome, did again press king Henry then in Normandy, and, having obtained his leave, made the best of his way for England. And no sooner was the legate arrived but, as if he had designed to show how exactly our blessed Lord had described the different characters of the thief and the true shepherd, he travelled from one monastery and from one cathedral to another, and wheresoever he went he still left his marks behind him²; and if men are to be known by their fruits, and to kill and to steal be the certain marks of the thief and not of the true shepherd, his covetousness and oppression, and the unworthy arts which he made use of to enrich himself and his followers, leave it past a doubt what character he supported.

Henry I.
1125.

8. Nor was he singular, or this the particular infelicity of the English nation: for, when this usage began to prevail in the western churches, the like mischiefs so generally attended it and became so notorious, that not long after this in an epistle to Jordan a cardinal, and which he desired might be communicated to pope Eugenius, St. Bernard thus describes the conduct of one who was sent legate from the court of Rome into France and Germany. "From the foot of the Alps and the kingdom of the Germans through all the churches of France and Normandy that apostolic man", saith he, "has filled every place with sacrilege, not with his preaching; his deeds have been abominable; he carried away the wealth of the church, or preferred handsome boys to the government thereof; and where he could not in person, he

² ["Ad Pascha vero Johannes Cremensis cardinalis Romanus descendit in Angliam, perendinansque per episcopatus et abbatias non sine magnis muneribus ad Nativitatem

Sanctæ Mariæ"(sc. Sept. 8) "celebravit concilium solenne apud Lundoniam." H. Huntingd. VII, fol. 219 a, 15.]

Henry I. did by his messengers commit such extortions, as rendered
 1125. him the common subject of discourse, and the general subject of complaint amongst the poor, the clergy, and religious.”¹

But whilst the legate John de Crema served himself, he did not forget his master, nor the designs of the court which had sent him: for it was the interest of the bishops of Rome to thrust into national and provincial councils, and to assume a power to convene and preside in them; and accordingly that prelate prevailed with the archbishop of Canterbury to summon a council to meet at Westminster in September. But though the archbishop was thus far wrought upon, yet it could not but be a great mortification to him to see the earliest and most considerable right he could pretend to as a metropolitan thus openly invaded, and to have his reproach transmitted to posterity by having it said in after ages that the first council called in England by the legatine power was in his time, and that he was the first archbishop of Canterbury that did not preside in ecclesiastical councils held in his province while present therein.

9. For though a summons to the council of Winchester in the year 1070 by the legates of pope Alexander hath lately been made public by a learned and excellent writer, to whom the world is exceedingly indebted for many useful things which had long slept in the dark¹; and this consideration, added to the intention of convening that assembly, which was the deposing of archbishop Stigand, might incline one to think that the pope’s legates presided in that council; yet the writer of Stigand’s life saith expressly that king William presided in the council of Winchester²: and though Floren-

¹ [“A radice Alpium et regno Teutonicorum per omnes pæne ecclesias Franciæ et Normanniæ et circumquaque circumiens usque Rotomagum vir apostolicus replevit, non evangelio, sed sacrilegio. Turpia fertur ubique commisisse, spolia ecclesiarum asportasse, formosulos pueros in ecclesiasticis honoribus, ubi potuit, promovisse, ubi non potuit, voluisse. Multi se redemerunt, ne veniret ad eos: ad quos pervenire non potuit, exegit et extorsit per nuntios. In scholis, in curiis, in triviis, fabulam seipsum

fecit. Sæculares, religiosi, omnes male loquuntur de eo: pauperes et monachi et clerici conqueruntur de eo.”] Bernard. Epist. 290. [This letter was written to cardinal Hugh bishop of Ostia, and describes the conduct of cardinal Jordanes (or Jordanus) de Ursinis, who was sent as legate into Germany to the emperor Conrad III by Eugenius III in 1151.]

¹ Dr. Wake’s State of the Church p. 161. [Wilkins, Concil. Brit. I, 323.]

² Birchingt. Vit. Archiep. Can-

tius makes no mention of the king's presiding in that council, yet he ascribes both the convening and the issue thereof to his authority and presence, "*jubente et præsente rege*"³; and Diceto useth the same words, but adds, "*consentiente papa*"⁴, which is no more than may be said of every private bishop that was present in the council and had a right of suffrage. But the whole course of the following story makes it so evident that the legatine power was not allowed in England till above threescore years after the Norman Conquest, that, allowing the truth of what is said before of convening the council of Winchester, it proves nothing else but that the king served himself, and covered the violence of his proceeding, under the pretence of the papal power⁵; and the future conduct of that prince puts this particular beyond a doubt. However this matter stands, Gervasius, who relates this particular of John de Crema's presiding in an English council, does also call it "*rem regno inauditam*"⁶, a thing unheard of in England before; which could not have been said, if the legates of the bishop of Rome had convened or presided in the aforesaid council of Winchester: and there is less reason to assert their presiding in the council of Calcuith under the reign of king Offa⁷: and these two are the only English councils wherein it can be pretended that the legates of the bishops of Rome presided, or were so much as present.

It was now the see of Canterbury wanted the spirit of Anselm. Yet it must not be forgotten that the present archbishop was not altogether wanting to his duty: for whilst he saw his rights sacrificed to the ill circumstances of the king, and by that prince's indiscreet yielding to the legatine power he beheld the barrier given up which had hitherto preserved the authority and rights of the English church, he was so far just to his trust, that he would not directly own the usurpation which he wanted courage or power to resist. Therefore, though the intention of pope Honorius was to usurp a power

Henry I.

1125.

tuar., Angl. Sacr. I, 5. [Birchington seems to have adopted the words of Florence here, only changing "*præsente*" into "*præsidente*".]

³ Flor. Wigorn. an. 1070.

⁴ Angl. Sacr. II, 684. [So does Florence.]

⁵ [See before, II, i, 8-10.]

⁶ Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1663, 36. [See also Flor. Wigorn. Continuat. an. 1125 ad fin.]

⁷ [See before, I, xii, 10-13.]

Henry I. of convening councils by his legates, and in his epistle to the
 1125. archbishops, bishops, and clergy of England he desires that they would come to the councils which his legate should convene⁸, yet the archbishop, as he did not suffer the legate to cite the council by his own authority, so in the summons he sent out for the convening thereof he challengeth the right of summons to himself alone.

10. Accordingly his citation to the bishop of Llandaff runs in such manner as plainly shows he still esteemed it his sole right to convene synods within his province, and that the synod the legate intended to hold was by his appointment and connivance¹: therefore, notwithstanding the legate was to preside in it, yet he still styles it his convocation, and in his own name summons that prelate, together with the archdeacons and the abbots and priors of his diocese. But men that once break their banks to let in the sea, and then pretend to set it bounds and keep it from doing mischief, are wise when it is too late, and seldom wait long before they have reason enough to repent their folly. And thus it happened here: for, whatever the archbishop might promise to himself, this council was drawn into example, and opened the way to the despoiling his successors of the authority which the canons of the universal church had given them, and which from the first settlement of a national church among the English they had without interruption enjoyed; for it is so evident that what was done by the legates under king Offa and William the First were the effects of an outward force, that those instances will not amount to an interruption, at least to such as could any way impeach the rights of the English church or the authority of their metropolitans.

11. This being said of the occasion, circumstances, and ef-

⁸ Honor. Epist., Concil. Labbe X, 913, Mansi XXI, 328: Concil. Brit. Spelman II, 32, Wilkins I, 407.]

¹ "Willielmus Cantuariensis archiepiscopus Urbano Landavensi episcopo salutem. Literis istis tibi notum facere volumus, quod Johannes ecclesiæ Romanæ presbyter cardinalis atque legatus ordinatione nostraque conniventia concilium celebrare disposuit Lundoniæ in Nativitate beatæ semper Virginis Mariæ.

Propterea præcipimus, ut in præfato [termino in eodem] loco nobis occurras cum archidiaconibus [et] abbatibus et prioribus tuæ dioceseos, ad definiendum super negotiis ecclesiasticis, et ad informandum seu corrigendum quæ informanda [vel docenda] seu corrigenda docuerit sententia convocationis nostræ." Concil. Brit. Spelman II, 33, [Wilkins I, 408.]

fects of this council, it will be time to return to observe the conduct thereof. This assembly met at Westminster September the ninth¹, where the legate presided, the two archbishops and twenty bishops, beside the abbots, priors, and archdeacons in great numbers, being present. Seventeen canons are published under the name of this council, of which some of them seem very worthy such assemblies; those I mean which forbid simony and the exactions of churchmen, superstition and sorcery, and forbid bishops to invade the dioceses one of another: but for the most part the canons of this council are taken from the council of Poitiers in the time of Gregory the Seventh, and from the Lateran council held about two years before this under Calixtus the Second², and have too much of the air and spirit of the court from whence they came, more especially in those instances which relate to the business of investitures and the celibacy of the clergy.

Henry I.
1125.

For the fourth canon carries the business of investitures beyond the first pretence, and forbids every abbot, prior, monk, or clerk to receive any church, tithe, or ecclesiastic benefice as a gift from or by the hand of a layman without the consent of his bishop³; a constitution which would lead one to think, that the parochial right of tithes was not yet so perfectly settled but that there still remained some instances wherein the proprietor of the lands from whence they arose had a share in disposing of them. Had the care of the parochial clergy been at the bottom of this constitution, it would have deserved to have been remembered with thankfulness and honour; but ambitious and designing men so generally cover their own views by a seeming regard to the good of

¹ [Spelman and Wilkins, following Simeon of Durham, place this council in September 1126. But Henry of Huntingdon and the Continuator of Florence, who put it in 1125, are better authorities, the archdeacon especially, for he was summoned to the council in respect of his office and probably attended it. Besides, if it had really met in September 1126, William of Malmesbury could hardly have failed to notice it in his *Historia*

Novella, which begins in that very month, but contains no mention of the council.]

² Concil. Labbe X, 367, 896; Mansi XX, 498, XXI, 282.]

³ ["Nullus abbas, nullus prior, nullus omnino monachus vel clericus, ecclesiam sive decimam seu quælibet beneficia ecclesiastica de dono laici sine proprii episcopi assensu suscipiat."]

Henry I. others, that the fairest and the most unbiassed conduct of such
 1125. men seldom passeth unsuspected.

12. If this was not the case here, there is but too much ground for suspicion: for by the king's renouncing his right of investitures the chief dependence of the bishops and abbots was removed from the crown to the papacy; and by this canon all ecclesiastics were brought to a dependence upon them, and so in effect the patronage and whole revenue of the church were brought into the disposal of the court of Rome, and thereby the whole clergy made a body distinct as to their maintenance and in some measure independent on the government under which they lived. And the king of England had in effect allowed this change: for by allowing the legates of the bishop of Rome to convene and give canons to his clergy he had virtually given the royal stamp to the usurped legislature to which that court pretended, and hereby prepared a way for the pretence that the clergy were exempted from the civil authority, which gave so much trouble to his grandson Henry the Second¹.

The thirteenth canon not only forbids the marriage of the clergy, but denies them all conversation with women, except those of their nearest relations, and such as were past suspicion². And it is observable that in all the councils wherein the court of Rome had any influence, from the time of Gregory the Seventh till this time, this particular was ever a subject of their care, and, as our historians observe, was more particularly so at this time: for this matter had a double share in the zeal of the legate, who in his speech to the council represented the indecency of the ministries of the married clergy, and in terms very reflecting on the holy state of matrimony set forth how incongruous, unbecoming, and dishonourable to God it must needs be for a priest to rise from the bed of a harlot and with his impure hands to consecrate the body of our Lord. But, after he had thus laid out his zeal

¹ [See below, xii, 13—xiv, 4, xv, 1—8.]

² ["Presbyteris, diaconibus, subdiaconibus, canonicis, uxorum, concubinarum, et omnino omnium feminarum contubernia auctoritate

apostolica inhibemus, præter matrem, sororem, amitam, sive illas mulieres quæ omni careant suspicione." See below, xvii, 16, note 5; and before, II, vi, 2.]

and eloquence in inveighing against the marriage, and setting forth the necessity of the celibacy, of the clergy, he was the night following taken in bed with a harlot; and his guilt answered all his arguments, broke his measures, spoiled the canon, and sent the legate home again loaded with shame and dishonour³. Henry I. 1125.

But the reputation of the holy chair is thought so far concerned in the disgrace of that prelate, that Baronius takes a great deal of pains to lessen the authority of this story⁴; and from him Binius and from Binius Monsieur Labbe⁵, in their several editions of the Councils, transcribe his arguments, and by some reflections on Henry Huntingdon hope to cover the shame of the legate. That story (saith Baronius) was first published by H. Huntingdon, who was a friend to the married clergy, and who is guilty of a notorious falsehood in saying the marriage of the clergy was never forbid till Anselm's time; and, the better to fix the blame of this story on the archdeacon, Baronius is pleased to say, that it is omitted by Malmesbury and by the Continuator of Florentius, and that the enemies to pope Innocent, who was advanced to the see of Rome chiefly by the interest of this cardinal John de Crema, never laid this to the charge of that prelate.

13. If a bias and turn to a particular interest be reason enough to reject the authority of H. Huntingdon, it may be, the same reason would reduce the great and useful volumes of the learned objector into a much lesser compass; at least the same argument ought to have the same force in both instances, and then the same reason that postpones the authority of H. Huntingdon will lie so heavy on Baronius, that the visible prejudices of that learned writer will at least balance those on the other side, and cut off all the advantage which he pretends to gain by lessening the authority of the English historian. But, as there is no ground for a charge of partiality against H. Huntingdon, so it is certain he could want no opportunity to be informed of the truth of this particular: for he succeeded Nicholas the first archdeacon of Huntingdon, and was advanced to that trust about the year 1110, and continued

³ H. Huntingd. VII, fol. 219 a, 22: Chron. [Walt. De Hemingburgh, vulgo] Hemingford, an. 1125.

⁴ Baron. Annal. an. 1125, xii.

⁵ Concil. Labbe X, 917, [Mansi XXI, 333, 334.]

Henry I. therein till his death about the year 1146¹; and as he was
 1125. archdeacon at the time of this council, so there is no reason to doubt but that he was present at it. And what Baronius saith was notoriously false in that historian is certainly true, if we take it, as that historian intended it, of the parochial clergy, whose marriage was never absolutely forbid in England till Anselm's time. And if Henry Huntingdon thought it lawful for the clergy to marry, he had the example of the British and English churches for five hundred years to justify him in that opinion.

But, after all the partiality that Baronius charges on that writer, he did not deliver his opinion on this subject. He saith indeed that in the council held by Anselm in London in the year 1102 he forbade the marriage of priests, which had never been forbid before; which (saith he) by some was thought likely to promote great purity, but by others to be of very dangerous consequence, for that the attempt to force men upon restraints they could not bear might drive them to such horrible impurities as might be a reproach to the name of Christ². And, if one may judge of the sense of the council by the canons thereof, it is very probable that H. Huntingdon spoke the sense of this council: for this assembly, which in the fifth canon forbids the marriage of the clergy, does in the twenty-ninth canon forbid the sin of sodomy; the reason whereof is, it may be, no otherwise to be accounted for than upon the grounds of that historian. And, had he urged this as an argument against passing of such a canon, he had done no more than the holy Paphnutius did in the council of Nice to prevent the like attempts to force celibacy on the clergy³.

14. There seems to be as little weight in what Baronius further saith for the clearing of the legate: for, if Malmesbury and the Continuator of Florentius do not follow¹ H. Hunting-

¹ [Henry of Huntingdon did not die till after 1154, for the eighth book of his History includes that year.]

² H. Huntingd. VII, fol. 217 a, 10.

³ Theodor. lib. 4, cap. 22. [The interposition of Paphnutius is related in Socrat. I, 11. By Theodoret his name seems to be only mentioned once, I, 7; and there it is merely

said that he attended the council.]

¹ [Malmesbury does not mention the council or the legate in any of his extant works, and had no occasion to mention either. For the occurrences of the year 1125 fall in the interval between the close of his *Gesta Regum Anglorum* and the opening of his *Historia Novella*. Probably they were related in his

don in this particular, yet Hoveden, M. Paris, M. Westminster, Hemingford, Bromton, Knighton², all agree in the report of the incontinence, avarice, and unworthy practices of the aforesaid legate; and yet all the aforesaid writers were monks, and men never suspected of partiality to the marriage of the clergy. And, if John de Crema was not that lewd and vicious man our historians represent him, St. Bernard has done him a great deal of wrong; for in an epistle to this John de Crema he thus addresseth himself to him: "I (saith he) together with the holy angels rejoice at your repentance and conversion, and daily beg of God that you may bring forth fruit meet for repentance; and this (adds he) is not only what I, but what the Gallican churches, expect from you; and is not only what your honour, but mine also, requires, that I may not be confounded in you"³. One that considers, that, though the piety and learning of St. Bernard enabled him to make a considerable figure at this time in the world, he was yet but a private abbot, and on the other hand John de Crema a cardinal much trusted and employed by the court of Rome, will find it very natural from this plainness and freedom in the address of St. Bernard to conclude, that the character of John de Crema was not such as his learned friends would have it believed to be. But to return again.

Henry I.
1125.

Presently after the breaking up of the council of Westminster the king returned from Normandy, accompanied or followed by his daughter Maud⁴, who by the untimely death of lost work called *Chronica*.

The Continuator of Florence records the acts of the synod, and is simply silent on the conduct imputed to the legate: he says nothing in his praise. The same may be said of Simeon of Durham.]

² Hoved. *Annal.* an. 1126: M. Paris. an. 1125: M. Westm. an. 1125: Hemingf. an. 1125: Bromt. an. 1125, int. X Scriptor. ed. Twysden 1015: Knyghton, *ibid.* 2382.

³ ["*Pœnitentiam et conversionem vestram, de qua jam angelis collatus sum et condelectatus, dignos facere fructus opto jugiter et oro frequenter. Et nunc maxime ipsos nostra illa Gallicana ecclesia mecum expectat, credo non intempestivos.*

Interest vestræ pariter et meæ famæ, ut non confundar in vobis."] Bernard. *Epist.* 163. [According to Baron. *Annal.* an. 1135, viii, this letter was written on the return of the cardinal to the side of pope Innocent II, whom he had abandoned for a while in favour of the antipope Anacletus. See below, ix, 5.]

⁴ [Henry of Huntingdon, who fixes the date of the council of Westminster to September 1125 (see before in this chapter, § 11, note 1), says expressly that the king was in Normandy at Christmas, Easter, and Whitsuntide in the twenty-sixth year of his reign, that is, at Christmas 1125 and at Easter and Whitsuntide 1126, and that he returned

Henry I. her husband, the emperor Henry the Fifth, was become a
 1125. widow⁵; and, his hopes of issue by his present queen beginning to vanish, the thoughts of the king were now wholly turned to fix the succession to the crown of England upon that princess. In order thereunto at Christmas following he held his great council at Windsor, where the bishops and nobility took the oath to the empress Maud as heir presumptive to the crown; and where it is very probable that the affair of the late legatine council was again brought into consideration. Thus much at least is certain, that, however the legate behaved himself, the nation was sensible of the wrong they sustained by the character which he supported, and did in due time show their resentment.

15. If Baronius had thought fit to fix upon this as the reason of the sharpness with which some of our historians have treated that legate, he had had a much fairer pretence for those severe reflections which he bestows upon H. Huntingdon and M. Westminster. Thus much is evident, as Gervasius in the life of William at this time archbishop of Canterbury well observes, that the legatine power was looked upon as a breach of the law of England, and an invasion of the ancient liberties of the English church and nation, as well as of the rights of the sees of Canterbury and York in particular, and that the minds of men were exceedingly scandalized and offended at it; for, saith that author, it was well known to the whole kingdom and to all the neighbouring world that,

to England with his daughter Maud about Michaelmas 1126.

The Continuation of the Chronicle of Florence of Worcester agrees with this account in its narrative, though not in its marginal dates. The appointment of William archbishop of Canterbury to be the pope's legate, mentioned there under 1125, belongs to the year 1126; the bull of Honorius II, which appointed him, bearing date on January 25. The assembly of the court at Windsor after Henry's return from Normandy is rightly placed in the Chronicle at Christmas 1126: but the adjourned assembly in London, when the widowed empress was accepted by the

prelates and nobles of England as presumptive heiress to the throne, took place "*finitis diebus festivioribus*" and therefore probably in January 1127. At that court the archbishop of Canterbury had already received his appointment as legate, and is so styled in the Chronicle.

See also Sax. Chron. ann. 1125, 1126, and Malmesb. Hist. Nov. I, § 2 ed. Hardy, in confirmation of these dates.]

⁵ [The emperor Henry V died May 23, 1125, and not long afterwards his widow returned to her father in Normandy. Sim. Dunelm. an. 1125: Malmesb. Hist. Nov. I, § 1.]

from the days of Augustin the first metropolitan of Canterbury to the time of William the present archbishop, all the successors of Augustin were styled and esteemed primates and patriarchs, and never subjected to the authority of any legate from Rome¹. And, when it was the interest of the court of Rome to do right to the see of Canterbury, Urban the Second raised the title of the archbishop thereof still higher, and styled Anselm the pope and apostle of the other world, and commanded that the honours due to the pope should be given him; and upon that ground Anselm permitted his followers to kiss his feet².

Henry I.

1125.

However matters passed in the aforesaid council, and how quietly soever the archbishop seemed to submit to the usurpation, the Continuator of Florentius, whose care and integrity Baronius commends for passing by the scandalous story of the legate³, is no less just to his own character and to that which Baronius bestows upon him, when he tells us that the archbishop of Canterbury, considering that the church of England was scandalized at the dishonour done to the church of Canterbury, went away to Rome with a resolution to use his utmost endeavour to prevent all such irregular proceedings for the future⁴.

16. That prelate, having the nearest and most immediate concern in this affair, was by the king sent to Rome to remonstrate against the usurpation or, to speak more properly, the office and authority of a legate, as things unknown to the ancient church and a direct invasion of the canons and usages thereof. And had the conduct of the archbishop been answerable to his integrity and good meaning, posterity had been indebted to him: but, when he came to Rome, the warmth of that prelate had the fate which usually attends ill conducted zeal, and instead of curing helped to make the mischief greater, and, which is still worse, incurable; for so

¹ Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1663, 50.

² J. Sarisb. Vit. Anselm., Angl. Sacr. II, 166, 167. [See before, II, iv, 14.]

³ Baron. Annal. an. 1125, xii.

⁴ ["Willelmus quoque archiepiscopus, considerans ecclesiam regni

Anglorum in ecclesiæ Cantuariensis humiliatione gravi scandalo consternatam, transit et ipse mare, Romam iturus, rebus quæ non æque processerant,] ne parî exorbitatione amplius procederent, [opem pro posse laturus."'] Flor. Wigorn. Continuat. an. 1125.

- Henry I. artfully did that court manage that easy prelate, that instead
 1125. of preventing the growth of a very dangerous usurpation by plucking it up by the roots, or at least giving a stop to it for the present, he was persuaded to take upon himself the character of legate, and by a bull of Honorius, bearing date the
 1126. latter end of January, was constituted his legate over England and Scotland ¹.

Thus did this unwary prelate suffer himself to be drawn or, to speak plainly, deluded into a snare of the most fatal consequence to the freedom of the English church; an oversight that in the very first view carries such degrees of folly, that one would wonder how it was possible he should fall into it ². That which seems most likely is, that it was the controversy yet depending between the sees of Canterbury and York, and the hopes he had conceived that by yielding this point he should gain the other, which drew him into this snare. And the spirit of Thurstan archbishop of York would incline one to think that that prelate was charmed into silence by considerations of the same kind: for, after all the noise he had made to defend some particular rights and privileges of his see against that of Canterbury, he sat quiet under a foreign usurpation, which at once overwhelmed all his peculiar and distinguishing rights as metropolitan, the sole power of convening and presiding in provincial synods within his own province; at least, if he was not silent, we hear of no opposition made by him. Thus, while these two unfortunate prelates, instead of uniting to oppose that usurpation which equally threatened them both, like the mouse and frog in the fable, were engaged one against another, they became themselves a prey to their common enemy, and had fallen unpitied too, had not the church and the nation, and their own sees in particular, suffered with them.

17. Whatever the reason was by which the archbishop of Canterbury was misled, Gervasius, a learned writer of his story, advances a conjecture very particular and out of the common way, and ascribes the misfortunes of the see of Can-

¹ Angl. Sacr. I, 792. [Wilkins, Concil. I, 409. Wharton, who first published this bull, is clearly wrong in making it precede the mission of John of Crema; and Wilkins like-

wise is mistaken in deferring it to January 1127. See before in this chapter § 14 note 4.]

² See Wharton, *ibid*.

terbury to the new usage, as he calls it, of bringing a secular clerk, rather than a monk, into that important trust¹. And, to speak the truth, the monastic education by taking men off from a freedom of conversation and thought, which usually softens men's spirits, enlarges their minds, and makes them pliant and conversable, did commonly render men tenacious and opinionative of the rites and usages to which they had been accustomed, and thereby produced a stiffness and inflexibility, which were of great use when they happened to be well placed. But, whatever occasioned it, by this means the archbishops of Canterbury were stripped of their rights, and in return clothed with the shadows of them; and by a finesse peculiar to Italy an usurped foreign power was so incorporated in the just and legal rights of the see of Canterbury, that this unhappy prelate was made a party to the usurpation which himself and his successors groaned under when it was past a cure.

Henry I.
1126.

Whatever the views were by which the archbishop acted, his submitting to receive a commission as legate of the bishop of Rome, if it gave him any advantage over the province of York, it was the greatest blow that was ever yet given to the proper authority of the metropolitan of Canterbury and primate of all England: for, by taking a commission from the pope, he did in effect make a public recognition of the right of that usurpation which he ought to have opposed with his blood, and on the other hand he did in effect avow the impotence of that authority the sufficiency whereof had been asserted by the canons of the universal church. It is here then we are to date the vassalage of the English church, and lay the foundation of that authority to convene councils in England, to preside in them and form canons therein, to which the bishops of Rome afterwards pretended. However, the archbishop did not for the present penetrate into the consequences of his own indiscretion, but, having cured his own vanity and uneasiness by taking upon himself the character of legate, he returned into England to help forward the usurpation which he went to Rome on purpose to suppress.

¹ Gervas. *ibid.* 58.

CHAPTER IX.

AB ANNO 1127 AD ANNUM 1140.

1. Archbishop of Canterbury convenes a council by the legatine power : proceedings therein. Difference betwixt this and preceding councils.

2. A new council convened. The married clergy cited ; commanded to forsake their wives. That matter put into the hands of the king : the use he makes thereof.

3. State of that controversy before the Conquest : change therein. Issue thereof.

4. The king permits the exercise of the legatine power : reasons thereof : the mischiefs of that permission.

5. Pope Honorius dies. Innocent owned by England and France. The popes excommunicate each other.

6. Effects of that schism : reflections thereon. The English church at quiet thereby.

7. Interview betwixt the king and pope Innocent : issue thereof. Cistercians exempted from paying tithes : mischiefs thereof. Bishopric of Carlisle founded.

8. The king labours to fix the succession on his daughter. He dies.

9. King Stephen succeeds : liberal in his promises to the clergy, nobility, and people.

10. The king endeavours to gain the bishop of Salisbury ; makes his nephews, Nigellus bishop of Ely treasurer, Alexander bishop of Lincoln chancellor ; makes court to pope Innocent.

11. Inference of Baronius from pope Innocent's owning of king Stephen's title. William archbishop of Canterbury dies. Bishop of Winchester made legate in his stead. Effect of the schism at Rome.

12. Schism about the papacy occasions a war. Anaclete dies. The English church at quiet during that schism. Innocent recalled to Rome. The king's affairs in an ill posture : court of Rome makes use thereof.

13. A legate sent to England : the pretence of the court of Rome for sending him. The conduct of the legate. Mischiefs to the Gallican church by the legatine power.

14. The legate interests himself in the choice of a new archbishop : his proceedings therein prejudicial to the rights of the crown.

15. The grounds of the aforesaid proceedings : the effects thereof. Theobald chosen archbishop of Canterbury. The legate leaves England.

16. The king ill used by the court of Rome. Pope Innocent absolves the earl of Gloucester from his oath of allegiance ; declares the crown the right of Maud. The nation in a ferment. The king seizes the bishops of Salisbury and Lincoln.

17. Obliges them to surrender their castles : the effects thereof. The bishop of Winchester disappointed of the archbishopric ; shows his resentment ; calls a council.

18. The proceedings in the council of Winchester.

19. The plea of the bishops of Salisbury and Lincoln in the aforesaid council. The king's counsel plead his cause before the legate. The issue of that council.

1. **THE** archbishop being returned to England under the character of legate, he called a council which met at St. Peter's in Westminster the thirteenth of May, where he presided as legate and primate; and the style and air of the canons are answerable to the different characters which he supported, but by no means correspond with the constant language of the ancient English church. And this prelate makes such frequent mention of his new authority, as if he had been fond of the chains he had helped to put about his own neck. Ten constitutions were agreed upon in this council, for the most part taken from the legatine council two years before, or from the councils under Anselm in the year 1102 and the year 1108. Henry I.
1127.

But though the constitutions of this council are much the same with those of Anselm, yet the style and decreeing part exceedingly differ; for the very first canon runs, "*auctoritate beati Petri apostolorum principis et nostra*", "by the authority of St. Peter prince of the apostles, and our own"; the second, "*auctoritates edis apostolicæ*", "by the authority of the apostolic see"¹. So that, if one were to judge of these canons by the style of the decreeing part, one would be apt to conclude that they had their authority only from the legatine and metropolitan powers: whereas the ancient canons and usages of the catholic church give a right of suffrage to all to whom they give a right to sit in councils; and the style was, as Richer well observes, answerable, "*decernimus et synodali auctoritate roboramus*", "we decree and by synodical authority confirm"². But, as Hildebrand formed a design to change the ancient polity of the church, so he changed the style of councils, and formed his canons to answer the ambition of his pretences: "*nos sacro approbante concilio decernimus*" was his style; "we decree, the holy council approving"³.

¹ Concil. Brit. Spelman II, 35, liaco, De Auctoritate Ecclesiæ III, [Wilkins I, 410.] 2.]

² Richer. Hist. Concil. I, xiii, 5, ³ Ibid. [citing the words from Petr. de Al-

Henry I. Though neither this nor the preceding legatine council do
 1127. come up to this style, yet the difference between this and all the preceding English as well as foreign councils gives such a shock to all the ancient rights and authority of such assemblies, as at once shows what purposes the court of Rome intended to serve by legatine councils, and leaves us under an astonishment at the tameness of provincial councils under so visible an attempt to render their authority useless, or, which is worse, to make such assemblies in England, what Mezeray observes the legatine power had already rendered them abroad, properties to the designs of the papacy⁴. And yet, notwithstanding so visible a reason to the contrary, the Continuator of Florentius saith that the canons had the consent of the council and were afterwards approved by the king⁵.

1129. 2. What effects the aforesaid council had in the other subjects thereof, it is not easy to determine; but it is very evident that the seventh¹ canon relating to the celibacy of the clergy came to nothing: therefore, as if the new character of legate had inspired the archbishop with a greater zeal for the interest of that court which conferred it upon him, another council was called² upon the same subject, which met in London the twenty-ninth of September this year. And now, the better to strike a terror upon those who seem to have been untouched by all the canons which had hitherto been made upon this subject, the married clergy were generally summoned to attend this assembly, and the aforesaid canon was again renewed; but with this difference, that, whereas that canon had no stated time affixed, by the new canon the

⁴ Mezeray, *Histoire de France*, Eglise du XI Siècle, following the reign of Phil. I.

⁵ Flor. Wigorn. Continuat. an. 1127. [The king's charter of confirmation of the decrees of the council is thus given in the new edition of the *Fœdera*, I, 8, from Bibl. MS. C. C. C. C. xix, ad. fin. "Henricus rex Angliæ archiepiscopis, episcopis, abbatibus, comitibus, et baronibus Angliæ, et fidelibus sanctæ ecclesiæ, salutem. Sciatis quod auctoritate regia et potestate concedo et confirmo statuta concilii a Willelmo Cantuariensi archiepiscopo et sanctæ

Romanæ ecclesiæ legato apud Westmonasterium celebrati, et interdicta interdicto. Si quis vero horum decretorum violator vel contemptor extiterit, si ecclesiasticæ disciplinæ humiliter non satisfecerit, noverit se regia potestate graviter coercendum, quia divinæ dispositioni resistere præsumpsit. Testibus Rogerio episcopo Salesberiæ et Gaufrido cancellario et Rannulfo comite Cestriæ. Apud Lundoniam."]

¹ [Rather, the fifth.]

² [The council was called "by the king's counsel and by his leave". Sax. Chron.]

clergy were limited to the feast of St. Andrew next following, and required by that time to put away their wives³. Henry I.
1129.

But the archbishop, having by experience seen how little regard was paid to the canons on this subject, turned his thoughts to the civil power, and, the better to bring in that to his assistance, did by the advice of his council recommend this affair to the king, leaving it to him to impose what punishment he thought best on such as should still persevere in the contempt of this constitution⁴. The matter being thus put into the king's hands, that prince followed the pattern which lay plain before him, and made the same use the court of Rome intended to make of this affair: therefore, instead of pursuing the methods which the expectations of the new legate had marked out for him, he laid no other penalty on the offenders for not putting away their wives but to be at some charge to take a dispensation from him to retain them, and by this means raised a great deal of money, as some of our historians observe⁵; but there are others, who make no mention of this unworthy practice, only say that the king disappointed the hopes of this assembly, and gave the married clergy leave to return home and to live with their wives as formerly they had done⁶.

3. Though an attempt to force celibacy on the canons of cathedral churches, collegiate societies, and monasteries gave some trouble to the English church before the Norman Conquest, yet at the same time the parochial clergy were left undisturbed in the liberty which nature and the gospel had allowed them¹: and when this controversy was revived again under Lanfranc in the council of Winchester in the year 1076, it was handled so tenderly and in such manner as plainly showed, not only that all the past attempts had been unsuccessful, but that a remedy was now rather to be wished than to be expected². Anselm resumed and carried this matter further in the council in the year 1102, and extended

³ Sax. Chron. an. 1129, [cited by Wilkins, Concil. I, 411.]

⁴ Hoved. Annal. an. [1130 by error for] 1129. [Hoveden is here transcribing, except in the date, Henry of Huntingdon cited in the next note.]

⁵ H. Huntingd. VII, fol. 220 a, 26.

[⁶ Sax. Chron. ibid.]

¹ [See before, I, xix, 11-17, xx, 3-6, xxi, 9.]

² [See before, II, ii, 14.]

Henry I. it to the whole clergy; and so again in the year 1108 the
 1129. married clergy were forbid all the offices of their function³; and the council of this year, and the legatine council about two years before, went on in the same steps: so much zeal was spent on a matter which God had left at liberty, whilst vice and ignorance were suffered to reign uncontrolled.

But, after all, these constitutions came to nothing⁴: and indeed things seldom succeed better, when authority and justice are not on the same side, and the laws of men are set up to combat the natural rights of mankind. But, whatever is to be said for the celibacy of the clergy, the reasons and methods made use of to bring the English to submit to it, the many late canons made on this subject, and the length and duration of this controversy leave it past all doubt that this was a new imposition, and that the ancient English church put her clergy under no restraints of this kind; for this usage could never have been so general, nor have stood the shock of so many canons, if it had not been allowed by antiquity.

4. That which seems most unaccountable in this affair is, what should induce the king to admit and suffer the exercise of the legatine power, which he had kept out for above twenty years of his reign. It is certain that the law of England, which he so often urged against it before, was still the same; and the visible mischiefs of that authority abroad and the growth of the papacy had made the reasons against it still stronger; and, which is more, if one may pretend to judge of things so much in the dark, it seems probable that the king had the same sentiments of this usurpation which he had before, and that the opinion he had of it, together with a secret purpose to frustrate and disappoint it, were the true reasons by which he acted in assisting the clergy to bring to nothing the late legatine councils. Therefore it seems most probable, that it was the necessity of his affairs which led him to act against his judgment, and obliged him to comply with, or rather to suffer and connive at, that which he inwardly disliked; and that by courting the interest of the papacy he hoped to secure the succession of his daughter; and that it was this passion to his family which broke the firmness of

³ [See before, II, vi, 2, 14.]

⁴ Sax. Chron. *ibid.*

his mind, made him fickle and irresolute, and left a blemish upon his name and conduct¹. Henry I. 1129.

But, whatever occasioned it, it is evident that it was the concessions of this prince, in yielding up the right of patronage and a branch of the supremacy in the affair of investitures, which gave the first fatal blow to the rights of the crown, as he did to those of the English church by subjecting it to the legatine power: and so far was the king from answering his own ends, that his own family had the first and the greatest share in the mischiefs of his mistaken conduct. So dangerous are those politics which break through the ancient and established constitutions of a church or kingdom to cure present inconveniences.

5. If the archbishop of Canterbury did not live to repent of his folly in accepting the title of legate, it was because he did not live to see the ill use which the court of Rome made of it. And in truth he had but a little time to gratify the vanity which first led him into the snare; for in February the beginning of this year pope Honorius died, and with him the character and commission of the new legate expired. Honorius being dead, the several factions of that court were so hasty in their endeavours to fill that chair with one of their own party, that the same day that Honorius died two popes were chosen in his stead, Innocent by one party and Anaclete by the other. Anaclete had the better interest in Rome, and therefore his party forced pope Innocent, not only to leave Rome and Italy, but to fly into France to seek his safety: and, though he had the ill fortune to be called the schismatic by after writers, he had this advantage, he was chosen openly in the church of St. Mark in the presence of the clergy and people of Rome and with their general approbation and good liking, whereas Innocent was chosen privately, and before the death of Honorius was made public¹. 1130.

However, pope Innocent coming into France was, if Baronius say true, by the persuasions of St. Bernard met by

¹ (on § 4.) [It is worthy of observation, that, shortly before Henry admitted John of Crema into England with legatine authority, he had succeeded *by the aid of the same legate in France* in setting aside the

marriage of his nephew William with the daughter of Fulk of Anjou. See before, II, viii, 6, note 4. Compare also Inett's remarks below, xv, 8.]

¹ (on § 5.) Baron. Annal. an. 1130, i.

Henry I. 1130. Henry king of England, and against the advice of the English bishops, who favoured his adversary, was received as the rightful bishop of Rome². Whatever the views were by which the king acted in this affair, it is manifest that St. Bernard was this year with the king in Normandy, and in very pressing and passionate terms recommended Innocent to the choice of the king³: and this journey of St. Bernard into France upon the desire of the French king, and the reception he there met with, make it probable that this was his errand thither; at least it appears that Innocent the Second was owned by the French. Nevertheless the favours that prelate received in England and France served only to bring the factions about the papacy nearer to a balance, but were so far from extinguishing the schism occasioned thereby that it rather made the breach wider and the mischief more incurable. And the events were answerable to the strength of the factions: for the popes excommunicated one another and all their adherents, council was set up against council, and, on which side soever the right was, both sides were in the wrong in the treatment one of another; and the whole controversy had so little appearance of the Christian spirit, that, if judgment had been to be made of the successor to St. Peter by the way of managing the several pretensions of those prelates, it would have been much easier to determine against them both than to decide in favour of either.

6. Thus did this schism tear the Roman church, and give

² Baron. *ibid.* lix, [citing as his authority Vit. S. Bern. II, i, 4, which relates the meeting of Henry and pope Innocent at Chartres.]

³ Bernard. *Epist.* 138. [The letter is as follows. "Velle vos instruere, de his præsertim quæ spectant ad honestatem, aut insipientis est aut vos penitus ignorantis. Ea propter rem simpliciter intimare sufficit, et hoc paucis; quoniam facile omnia tenenti multa superflue ingeruntur. In ingressu urbis sumus, salus est in januis, justitia nobiscum est; sed Romanis militibus cibus iste non sapit. Itaque justitia placamus Deum, militia terremus hostes: solis necessariis necessaria non habemus.

Quid opus sit facto ut opus vestrum compleatur, quod de domini papæ Innocentii magnifica et honorifica illa susceptione fecistis, vos melius nostis." It will be seen that Bernard speaks of the king as having already acknowledged Innocent II as pope, but neither says nor implies that Henry did so at *his* instigation, or that he had ever himself been in Normandy. In fact the letter seems to have been written in 1133 before the walls of Rome to solicit supplies for the forces which the emperor Lothaire II had marched there for the establishment of pope Innocent. See Pagi on Baron. an. 1134, xx.]

the world a new reason to believe, that God could never be so little concerned for the peace of his church as to leave it to the mercy of a court faction, or to make that the centre of catholic unity which had itself been the subject of so many schisms, which in several instances were so perplexed and intricate, that it was much easier for a private Christian to judge of any necessary Christian doctrine than to satisfy himself which of the popes had a right to judge for him; and it is certain that an infallible judge of controversy can never be of much use to Christians who can never be certain how and where to find him. Henry I. 1130.

Whilst God thus humbled their vanity who deceive themselves as well as other men by applying those characters to the degenerate and corrupted state of the Roman church with which the ancients did honour to it whilst it continued its primitive purity and lustre, the schism and the unhappy circumstances of the Romish church gave no other trouble to that of England but that which compassion and a Christian charity and concern for the sufferings of others do usually produce; but rather on the contrary, by putting an end to the legatine power of the archbishop, and by leaving the government of the church in the ancient channel, and putting a check on the intrigues of the Roman court, it gave such a turn to the affairs of the English church, that everything went on quietly to the end of king Henry's reign. But, if Platina say true, that prince was indebted to his own precaution for the quiet which attended the latter end of his life; whereas at his late interview with pope Innocent at Chartres that prelate used all his endeavours to disquiet and embroil him by engaging him to undertake an expedition against the Saracens¹.

7. After the interview betwixt the king and pope Innocent, the king continued his stay in Normandy till about the middle of this year, and during his stay was prevailed upon to bestow a considerable benefaction on the Cluniacs, one of the darling orders of the court of Rome, and at this time very rich. And, the age considered, this was a considerable charity; it was one hundred marks of silver, yearly payable out of the customs of the cities of London and Lincoln. This 1131.

¹ Platin. Vit. Innocent. II.

Henry I. grant was confirmed by pope Innocent the Second: yet in
 1131. the reign of king Stephen the monks, who well knew that pensions from the public revenues would ever be subject to the pleasure of the prince, as well as to the common turns and misfortunes to which all governments are ever obnoxious, changed this pension for lands¹.

Though in his concurrence to this and several other grants pope Innocent favoured the Cluniacs, yet, St. Bernard, who was at this time at the head of the Cistercians², making a great figure in the world and having done particular services to pope Innocent, that prelate exempted the Cistercians from paying tithes of their lands to the Cluniacs, which was no little mortification to that order; and not long after, if not the same year, he granted them a general exemption of their lands from paying tithes to the secular clergy³. This privilege did not quickly reach England, but it came time enough to do a great deal of wrong, and to give a great deal of trouble and uneasiness to the clergy.

1133. Not long after his return into England the king founded a new bishopric at Carlisle, and laid into the diocese thereof the counties of Westmoreland and Cumberland and a part of Northumberland, and conferred that trust upon his confessor Aldulphus; and, so far as appears, proceeded by the royal authority without giving pope Innocent any concern in this affair⁴. The year following the king went over into Normandy, where he was entertained for the most part with the broils and vexations of his son-in-law, the duke of Anjou. All the comfort he had was in the birth of his grandson Henry, the son of that duke and of his daughter Maud⁵; and the birth

¹ [Innocent. II, Epist. 31, 32,] Concil. Labbe X, 962, [Mansi XXI, 407, 408.]

² [Practically perhaps St. Bernard may be said to have been "at the head of the Cistercians", but he was never so officially. See below, xi, 5, note 3.]

³ Baron. Annal. an. 1131, x.

⁴ [Joan. Hagustald. int. X Scriptor. ed. Twysden 257, 48: H. Huntingd. VII, fol. 220 b, 11: Hoved. Annal. an. 1134, fol. 275 a: Benedict. Petrob. an. 1186, p. 450: Rudborne, Hist. Winton. V, 3, Angl. Sacr. I, 282. *Athelulf* is the name

of the bishop of Carlisle among the subscriptions to the charter of king Stephen in 1136, as given in facsimile from the original now remaining in the archives of Exeter cathedral by the Commissioners of Public Records in No. I of the Appendix to their Reports 1800-1819.]

⁵ [H. Huntingd. *ibid.* Matilda, daughter of king Henry I, and widow of the emperor Henry V, was married to Geoffrey count of Anjou in 1129. Their eldest son, afterwards Henry II of England, was not born till March 1133.]

of this young prince could be no little satisfaction to one who had so great a passion for his family as king Henry was known to have. Henry I. 1133.

8. But whilst this accession to his family gave new life and vigour to the hopes and future prospects which had ever charmed and sometimes betrayed that prince, and he was with his utmost address labouring to fix the succession to the kingdom of England and dukedom of Normandy upon his daughter and her young son, and the death of his brother Robert about the time that this young prince was born rendered his expectations still more promising, he was detained so long in Normandy that before he could return to England death put an end to his life and hopes; for he died the first of December the latter end of this year, and a little time broke all his measures, and showed the vanity of all the arts which he had made use of to fix the succession upon his daughter. 1135.

King Henry was a great favourer of the religious, and in return they have given him the character of a wise and learned prince. And, if the great services he did them be considered, they are too sparing in their character; for he not only ran so far into the prevailing fashion of the age as to be the founder of several religious houses, but he gave so much encouragement to works of that kind, that there were more monasteries and other religious societies founded in England in his reign than had been built in five hundred years before. Nor was this peculiar to this nation, but the genius of this age in this instance is one of the most surprising scenes of story; for, at the same time that our historians describe it to us as a very ignorant, loose, and vicious age, they give us an account of more new orders and more religious foundations in the compass of this one century than all the preceding ages from the birth of Christ had ever produced. The reason whereof I shall inquire into, when we come to observe the use which the court of Rome made of the religious to break the ancient discipline and established order of the Christian church¹: till then I shall leave this particular, and return to observe the changes produced in England by the death of Henry the First.

¹ [See below, ch. xi.]

Henry I. King Henry had formerly set his heart on settling the suc-
 1135. cession to the crown of England and dukedom of Normandy on his only legitimate son William, but lived to see his hopes thereof broke to pieces by one surprising blow of Providence in the drowning of his son. But this only changed the subject of his passion, and by bringing it into a lesser compass rather increased than cured it: for, his son being dead, his affections devolved upon his daughter Maud the empress; so that, when he found his hopes of issue by his second queen come to nothing, his greatest care was to secure the succession to her and her issue. In order thereunto he had engaged the bishops and nobility to swear allegiance to her; and amongst the nobility Stephen, earl of Mortagne and Boulogne, and nephew to the king, was one of the forwardest of those who swore fealty to that princess².

Stephen. 9. But, king Henry dying this year in Normandy, before his body could be brought into England to be buried Stephen had forgot his promise and seized upon his crown. He was third son of Adela, daughter to king William the First, by Stephen earl of Blois; and this gave some colour to his pretensions: but the absence of Maud, the mighty treasures of king Henry which he soon seized upon, and a pretended donation from his uncle the late deceased king, together with his own ambition and address, went a great way in making up what his title wanted. Besides, his brother¹ was at this time bishop of Winchester and abbot of Glastonbury, a great and popular prelate, and by his address the clergy were brought into his interest²; and by his own conduct and fair promises he engaged the nobility. And so well was this affair managed, that, before Maud or the duke of Anjou her husband could come over, Stephen was with the general consent and applause received as king of England, and crowned at Westminster the twenty-sixth of December, being St. Stephen's day, by William archbishop of Canterbury.

1136. This prince, having thus possessed himself of the crown of England, omitted nothing that was necessary for his security. For that end he was equally liberal of his gifts and promises.

² [Malmesb. Hist. Nov. I, §§ 3, 11, ed. Hardy. See before, II, viii, 14.]

¹ [Henry de Blois.]

² Malmesb. Hist. Nov. I, fol. 101 a, ed. Savile, [§§ 11, 12, ed. Hardy.]

To the clergy he promised every thing that they thought needful to preserve the rights and honour of the church, and in particular that the church should be free, that he would neither do nor suffer any thing to be done simoniacally, that the persons and the estates of the clergy should be left to the oversight and care of the bishops, that the clergy should enjoy all their ancient privileges, and should hold all the estates and churches which they had held in the time of his grandfather William the First, free and discharged from all secular services; and he further granted them power to dispose their estates by will, promised that bishoprics and abbeys should not be kept long void, and that during the vacancies the care of the revenues should be committed to such of the clergy whose wisdom and probity might be confided in. He was no less frank in his promises to the nobility; and, because one of the greatest grievances of the former reign had been the hardships put upon the subjects under the colour of the king's right of forest, he confined his forests to such places as had been forests in the time of William the First and Second, and disforested all the rest. In short, he promised a remedy of all their grievances, and that for the time to come all care should be taken to preserve a regular and steady course of justice³. Stephen.
1136.

10. But, well knowing that promises, though they may quiet and entertain the minds of common people, go but a little way with men whose circumstances put them in a capacity to serve or to disturb a government, unless they are followed by trusts and employments answerable to the opinion they have of their merits and capacity, he therefore particularly endeavoured to engage those to his interest whose figure, abilities, or obligations to the late king might otherwise give him reason to suspect them. And Roger bishop of Salisbury, who had been the great minister of state under Henry the First, frequently made his viceroy during his absence, and who was at this time the greatest and most powerful man of his order, was more especially caressed; and, the better to keep him steady in his interest, one of his nephews Nigellus bishop of Ely was made treasurer, and his other nephew Alex-

³ Malmesb. *ibid.* fol. 101 b, ed. Savile, [§ 15 ed. Hardy.]

Stephen. ander bishop of Lincoln was made lord chancellor¹. With
1136. his bounty the king charmed the common people, and brought such numbers of men to his service that his army was quickly completed; and the open hand, with which he scattered the great treasures king Henry had amassed together, did not lose its effect upon those who ought to have been above the reach of such temptations.

To secure his interest abroad he made his court to pope Innocent in a manner so equally unbecoming the wisdom and the honour of a king of England, that it is not easy to determine, whether his address was more mean and servile in itself, or more mischievous in the event and consequence. But for these reasons it was so much more agreeable to pope Innocent: for the spirit of Gregory the Seventh had given such a turn to the heads of his successors, that they were very well disposed to a belief that they had a right to dispose of crowns; therefore nothing could be more welcome to that court than the address of king Stephen to pope Innocent to confirm his election to the crown of England; and, as we are told, that prince applied to him upon that subject². We are from the same authority assured, that that prelate readily condescended to his request, and confirmed his election³. Both these particulars depend upon the style of that charter which contains the privileges granted by the king to his people, and which was confirmed in the great council held in Oxford the latter end of this year.

11. But Baronius, who observes this particular, and from thence takes a new opportunity to affirm England to be a fee

¹ Dugdale, Chron. Ser. Cancell. ad calc. Orig. Jurid. [Roger Hoveden, an. 1134, calls Nigel, who was then made bishop of Ely, treasurer to Henry I; but it does not appear on what authority Inett gives him that office under Stephen. Dugdale does not say so. Dugdale however does say that Alexander bishop of Lincoln was Stephen's chancellor, and cites as his authority Guil. Neubrig. I, 6. But in this he was mistaken. The monk of Newburgh there says that a nephew of the bishop of Salisbury was chancellor to Stephen, but he does not give his name; and, because in the same chapter he

speaks of Alexander as a nephew of that bishop, Dugdale hastily concluded that the two nephews were one and the same. The chancellor's name was Roger, "qui nepos esse vel plusquam nepos ejusdem episcopi ferebatur". Malmesb. Hist. Nov. II, § 20. He was in fact son of the great bishop of Salisbury whose name he bore. See Order. Vital. XIII, pp. 919 D, 920 A; H. Huntingd. VIII, fol. 223 a, 24.]

² Joan. Hagustald. an. 1136, int. X Scriptor. ed. Twysden 259.

³ Malmesb. ibid. fol. 101 b, 17, 18, ed. Savile, [§ 15 ed. Hardy.]

of the papacy, though he never overlooked any thing that might minister to the honour of what he calls the holy chair, pretends to no other authority for these particulars than the copy of the aforesaid charter¹. But it is not unlikely that the later usurpations of the papacy have misled posterity, and that nothing more was intended by the king in that charter, but that he had been owned as king of England by pope Innocent, as well as crowned by the legate of the apostolic church; for the same charter, which mentions the confirmation of pope Innocent, styles the archbishop of Canterbury the legate of the apostolic church, not the legate of the pope². Stephen.
1136.

If there be truth in what is said of pope Innocent's confirmation, the ambition of the king led him to such an abasement and treachery to the crown and kingdom of England, as the nation had never been acquainted with before, and which William the First had rejected with scorn. But, whatever the terms of this address were, and whatever the king intended thereby, that was not the only false step which that prince made: for, William archbishop of Canterbury dying the latter end of this year, the king sent to pope Innocent to desire that Henry bishop of Winchester, his brother, might be made his legate³; which was accordingly granted. And it is probable that in both these instances he acted upon the same views; for nothing else could have led a prince to make that his desire, which his predecessors had so much dreaded, and which he himself quickly smarted under.

Whilst things went on thus in England, the schism about the papacy grew up to such a height, that the opposite parties were preparing to bring it to the decision of the sword. For, notwithstanding what hath been said with so much confidence 1137.

¹ Baron. Annal. an. 1135, xxi.

² [The charter begins thus: "Ego Stephanus Dei gratia assensu cleri et populi in regem Angliæ electus et a Willelmo Cantuariensi archiepiscopo et sanctæ Romanæ ecclesiæ legato consecratus et ab Innocentio sanctæ Romanæ sedis pontifice postmodum confirmatus". It was printed by Blackstone in his History of the Great Charters p. v

note, and by the Commissioners of Public Records in their Report of Searches 1806, Append. p. 2, and in No. I of the Appendix to their Reports 1800-1819: it is also printed among the Charters of Liberties in vol. I of the Statutes of the Realm ed. 1810.]

³ [Inett repeats this assertion below, xv, 8, but cites no authority for it.]

Stephen. of the easiness of finding out the true church, and uniting
 1137. with that church by uniting with the pretended vicar thereof, it was at this time so difficult to determine whether Innocent or Anaclete was the canonical bishop of Rome, that the cardinals themselves, who had the best opportunity of being informed and should have been guides to others, were so much at a loss, that they sometimes adhered to Innocent, and sometimes declared for Anaclete⁴. Gervasius ascribes this uncertainty amongst the cardinals to their corruption: but this is so far from making it more easy to determine on which side the right lay, that it made it still more difficult. For by showing that they could be corrupted so far as to declare for the impostor, as well as for the rightful bishop, the world could have no advantage from their example, but on the contrary might be misled by it; for, which way soever they turned, there would be still the same reason to doubt which was the rightful bishop of Rome, as there was to doubt of the integrity of those who had the choosing of him; and doubts of this kind must necessarily last as long as the reasons upon which they are founded: the matter of fact shows that this was the case.

12. The laity were still more to seek than the cardinals, and so little understood the marks by which the true shepherd was to be distinguished from the thief and the robber, that they knew no other way to decide the controversy but by the sword. And accordingly the emperor Lotharius, who espoused the pretensions of pope Innocent, and Roger duke of Apulia, who took the part of pope Anaclete, began a bloody war upon this subject. After great variety of fortune the arms of the emperor prevailed, and by the success thereof a great part of Italy was brought over to the interest of pope Innocent. Though this was an argument which carried irresistible convictions along with it so far as it went, yet the convictions went no further than the reasons upon which they were founded; therefore those parts of Italy which lay out of the reach of the emperor's arms still remained in the obedience of pope Anaclete.

1138. But that which was denied to the arms of the emperor was not long after accomplished by the death of pope Anaclete,

⁴ Gervas. Chron. an. 1137, int. X Scriptor. ed. Twysden 1343, 15.

who died the seventh of January in the beginning of this year¹: for, though the party which had supported Anaclete chose Victor in his room, yet that prelate was so managed by the friends of pope Innocent, that he not long after gave up his pretensions, and thereby put an end to a schism, which for about seven years had occasioned a great deal of bloodshed and mischief to some of the western nations. But in the mean time the affairs of the English church moved on quietly and with so little noise, that except what hath been said before of the building of monasteries, and the common changes that death every where produceth, and the little wrangles amongst the ecclesiastics, we have scarce any thing to be remembered.

Stephen.
1138.

The schism in the church of Rome being thus brought to an end, pope Innocent was recalled to Rome. And now the ill genius of Gregory the Seventh returns to that court again, and we are to see what use they will make of the past conduct and present ill circumstances of king Stephen. Though the king had for a while carried on his affairs in some measure to his mind, yet the oath and promise given to Maud in the late reign began by this time to be remembered; and the disappointment and discontents of some of the nobility, and the ambition of others, began to set the nation into a ferment, and exceedingly perplexed the court. Things being in this ill posture in England, the court of Rome, which never neglected any opportunity to serve themselves and strengthen their usurpations by making their advantages of the troubles of these nations, being thoroughly sensible that the king stood in need of their friendship, and that his circumstances were such as would not suffer him to dispute whether they might, uncalled for, send their legates into England, resolved to strengthen their pretensions by rendering that power familiar to the English nation.

13. Therefore, although the legatine authority was before granted to Henry bishop of Winchester¹, and there was at this time no visible occasion for a new legate, yet, under pretence of bringing Scotland to quit the party which had sup-

¹ [Pagi on Baron. an. 1138, i, had then lasted almost eight years.]
shows that the day of Anaclete's death was January 25. The schism

¹ Gervas. ibid. 44.

Stephen. 1138. ported the late anti-pope, Alberic bishop of Ostia was made choice of and sent into England with the character of legate. This was no little mortification to the king and his brother the bishop of Winchester, and it was with great reluctancy that this legate was received². The legate being arrived took his opportunity to visit cathedrals, monasteries, and collegiate churches, and before the end of the year convened a council, which met at Westminster the thirteenth of December, where the new legate presided, and seventeen canons were agreed upon; and these were for the most part the same with those which had passed in the councils of Lanfranc and Anselm and William de Corboil, the preceding archbishops.

The style of this is very different from the ancient councils: for throughout the whole, without any mention of the synodical authority, the decreeing power is every where ascribed to the bishops of Rome³; whereas the only legatine council preceding this, that I mean under the late archbishop William, unites the authority of the metropolitan with that of the legate, and by those conjoined powers that council was both convened and governed⁴. So that here a new step was made towards the establishing of the usurped authority of the papal legate; for by frequent instances of this kind provincial councils were in time annihilated, or rendered useless by having their canons or sentences reversed, and the papal power came to be esteemed necessary to give a sovereign authority to national councils. And the consequence was such, that Mezeray well observes, the court of Rome never made a greater breach in the liberties of the Gallican church than when they introduced a belief that no councils could be called without their authority⁵. And, to make this go down the better with the clergy of England, the tenth canon seems to show a more particular tenderness and regard for the persons of the clergy and religious, and requires that they

² Ibid. an. 1138, col. 1344, 2-9.

³ Concil. Brit. Spelman II, 41, [Wilkins I, 415.]

⁴ [The council to which Inett here seems to refer is recorded at the beginning of this chapter. But there had been a legatine council

two years previously under cardinal John of Crema: see before, II, viii, 9-12.]

⁵ Mezeray, Hist. France, Eglise du XI Siècle, following the reign of Phil. I.

who kill or any way injure the clergy or religious, and do not upon admonition give them satisfaction, shall be excommunicated, and not be absolved but by the bishop of Rome. Here was laid the foundation of the controversy about the exemption of ecclesiastics from the secular power, which gave so much trouble to the succeeding reign⁶.

Stephen.
1038.

14. These were not the only new steps made by the legate, but, the archbishopric of Canterbury being now void, that prelate thought fit to interest himself in the election of a successor. Those elections had hitherto ever had their beginning from the crown. The method observed from the Conquest had been this: whensoever the see of Canterbury became void, the time of filling it was governed by the pleasure of the king; and, when he had first resolved upon disposing that great trust, he sent his summons to the prior and convent of Canterbury to depute some of their body to attend him at some meeting of a great council, and to assist in the choice of an archbishop; where, with the advice of that assembly and the suffrage of the bishops of the province, a person nominated by the king was usually chosen. Thus Lanfranc and Anselm and William, the three preceding archbishops, were advanced to that great station.

But in the summons of the legate to the aforesaid council of Westminster, directed to Jeremy the prior and the convent of Canterbury, that prelate requires that the prior, with a number of the convent sufficiently empowered for the election of an archbishop, should attend upon the council. Nor was he content thus to break in upon the rights of the crown in making the first step in this affair, but in the same instrument he tells the prior, that, their election being thus made, and consented to by the bishops of the province, the king cannot and ought not in justice to deny his consent¹. Such an insult upon the rights of the crown was too open to be overseen

⁶ [See below, xii, 13-xiv, 4, xv, 1-8.]

¹ ["Ea propter vobis præcipimus, ut prima Dominica Adventus Domini literas istas coram universo clero et populo Cantuariensi exponi faciatis, et invocata Sancti Spiritus gratia, præmissisque orationibus, indicto jejunio, et elemosinis, talem vobis

præficiendam provideatis personam, cui sacrorum canonum auctoritas in nulla valeat obviare, cui etiam com-provinciales episcopi pariter debeant assentire, et cui dominus noster rex nec possit nec debeat assensum suum juste denegare."] Gervas. *ibid.* 1346.

Stephen. by the king, but the ill posture of his government made him
 1138. wink at it; and his brother the bishop of Winchester had set his heart upon Canterbury, and was not to provoke the legate, who, by the bold and insolent manner in which he had set the business of the election into motion without the knowledge of the king, had given ground to believe that the conduct of that affair would fall into his hands.

15. But it happened here as it generally does when some present views lead men out of the ways of law and justice. The compliment made to the bishops of the province in asserting their right to a vote in the choice of their own metropolitan served only to render their rights an easier prey by separating them from the rights of the crown: such was the case of the convent too. Neither did the king or his brother find their account in this matter: the king was afraid to trust a new accession of power in the hands of his brother, whose authority as legate had already overshadowed the royal power; and therefore, notwithstanding the passion of his brother for the vacant chair, he secretly favoured the interest of Theobald abbot of Bec in Normandy, and this so influenced the election that Theobald was chosen archbishop of Canterbury. This disappointment added resentment to the ambition of the bishop of Winchester, and in the compass of a little time he had an opportunity put into his hands to make the king sensible of it, and then he thoroughly mortified the authority which had disappointed him¹. In the mean time it will be fit to return to the affairs of the king which led the way to it.

1139. The council of Westminster being ended, the new legate Alberic bishop of Ostia left England, and by his departure left the bishop of Winchester in the sole possession of that character². But neither this consideration, nor the condescensions the king had made to the late legate, signified any more than the address he had before made use of to secure his own people. For, when the king thought he was safe and had shut up all the avenues at which danger might break in

¹ [Gervas. *ibid.* 1348, 1349. See below, § 17 of this chapter.]

² [By a comparison of Gervas. *ibid.* 1344, 8, with Malmesb. *Hist.* Nov. II, § 22, it would appear that the bishop of Winchester had been

quite superseded in the office of legate by the bishop of Ostia, but that he afterwards received a fresh appointment by a decree of the pope dated March 1, 1139.]

upon him, he was too soon made sensible that this was all amusement and dream: for the obligations he had received from the nobility in his advancement to the crown gave them such an idea of their services as were thought too big for a recompense; and the returns which he had made only encouraged them to demand greater, and fly to their arms whenever they were denied³. Stephen.
1139.

16. The king sped no better in his addresses to the papacy: for, notwithstanding his application to that court to have his brother made legate, and the recognition of his title to the crown by pope Innocent, and the unworthy submission which he had made to the late legate, the court of Rome, whose integrity never stood in the way of its interest, seeing a mighty cloud gathering over the head of that prince, and such as threatened a new revolution, thought fit to let him know that they had not forgot the doctrine which pope Calixtus had not long before recommended to his predecessor king Henry¹, and that the plenitude of the pope's authority extended so far as to dispense with their own oaths and promises, as well as with those of other men. Accordingly, after all the promises and assurances which they had given that prince, about this time pope Innocent granted a bull of dispensation to Robert earl of Gloucester, natural son to Henry the First and by the father's side brother to Maud the empress, by which he was absolved from his oath of fealty to king Stephen, and the former oath which he had made to Maud in the lifetime of her father was declared obliging²; that is, in other words, the court of Rome upon the application of the aforesaid Robert declared that king Stephen had no right to the crown, and that the right was in the empress Maud, and that the subjects of England were bound to act accordingly: it was thus that court returned the favours of king Stephen, in doing what in them lay to take the crown from his head.

The way being thus prepared, the earl of Gloucester not only withdrew himself into Normandy, but sent the king word, that he thought himself bound in honour and conscience

³ Sax. Chron. an. 1140.

¹ [See before, II, vii, 15.]

² Malmesb. Hist. Nov. I, fol. 99 b, ed. Savile, [§ 3 ed. Hardy. "Ad hæc etiam apostolici decreti præ se

tenorem ferebat, præcipientis ut sacramento quod præsentis patre fecerat obediens esset." Ibid. fol. 102 a, 44; § 18. See before, II, viii, 14.]

Stephen. to withdraw his allegiance from him, and to assert the right
 1139. of Maud his sister, to whom he had given his oath, and to whom the crown did of right belong³. This message, and the preparations which attended upon it, so awakened the fears and jealousies of the king that he knew not whom to trust; and it was not long before Roger bishop of Salisbury and his two nephews, Alexander bishop of Lincoln and Nigellus bishop of Ely, felt the effects of those unhappy passions which at this time gave so much uneasiness to the king.

The bishop of Salisbury had been the great favourite and minister of Henry the First, and by the great trusts which he had possessed, and the long course of favours which he enjoyed, had raised himself and his family to such circumstances as might give ground for the suspicion of the king, and lead him to think that he and his nephews, who had engrossed the favours of Henry the First, were not fit to be trusted in a dispute he was like to have with his daughter: therefore, under the pretence of a quarrel betwixt the retinue of Alan earl of Brittany and the servants of the bishops of Salisbury, Lincoln, and Ely, which had happened, or, as others say, had been contrived, at Oxford, where the king and his great council were about this time assembled, the king commanded those prelates to deliver up their castles into his hands; and, the better to oblige them to yield obedience, he seized upon the bishops of Salisbury and Lincoln, whilst the bishop of Ely saved himself by flight⁴.

17. Having secured the aforesaid prelates, he kept them prisoners till he had obliged the bishop of Salisbury to surrender his castles of the Devizes, Salisbury, Sherborne, and Malmesbury, and the bishop of Lincoln to give up his castles of Banbury, Sleaford, and Newark¹. Nor were these the only instances of this kind; for several of the nobility were secured under the same pretence. But though necessities of state do sometimes run wise governments into proceedings of this kind, and a turn may possibly be served by them, yet suspicions are boundless, and even wisdom and innocence are no

³ M. Westm. an. 1138.

¹ Ibid. [The castle of Banbury

⁴ Malmesb. Hist. Nov. II, fol. 102 is not mentioned by William of b, 103 a, ed. Savile, [§§ 20, 22, ed. Malmesbury.] Hardy.]

securities where a bare suspicion may render one guilty. Therefore proceedings of this sort, by the ill impressions they leave on the minds of subjects, do very often operate the wrong way, and give beginning to greater mischiefs than those they prevent. The ensuing occurrences of this reign give but too much ground for a reflection of this kind.

Stephen.

1139

For, to say nothing of the other effects of this conduct, it was this which gave a colourable pretence to the bishop of Winchester and brother to the king to mortify the king and the new archbishop of Canterbury. It has been said before that that prelate had set his heart upon the see of Canterbury, and that, though the king had obtained a commission for him to be the standing legate of the bishop of Rome, yet he would not suffer so great a trust as the archbishopric of Canterbury to fall into his hands². This prelate had not yet digested this disappointment, and now was his time to satiate his revenge. And he was just to his resentment; for, under pretence of giving a stop to the arbitrary treatment of the bishops of Salisbury and Lincoln, that prelate by virtue of his legatine power called a council to meet at Winchester the twenty-sixth of August³, and summoned as well the king as the archbishop to that assembly. The council being met, the legate magnified the fault of the king, and his own zeal in asserting the rights and liberties of the clergy⁴.

18. The messengers for that purpose sent to that assembly by the king demanded the reason why he was called thither: to which the legate answered with warmth and quickness, that the king, who was a subject of Christ, ought not to be angry, if he was called by the ministers of Christ to give satisfaction for a guilt of such a heinous nature as the present age had not before been acquainted with; for (saith he) it was pagan princes only who imprisoned bishops and seized upon their possessions. The courtiers having carried this unwelcome message to the king, after same time his answer was returned by his counsel Alberic de Ver; who aggravated the ill conduct of the bishops of Salisbury, Lincoln, and Ely, and excused that of the king, by asserting the ill behaviour and undutifulness of those prelates, and in particular charging

² [See § 15 of this chapter.] that is, August 29.]

³ ["Quarto calend. Septembris", ⁴ Malmesb. *ibid.*

Stephen. them with fortifying their castles, and travelling attended and
 1139. armed in such a manner as ministered just ground to suspect
 that they wanted nothing but opportunity to side with his
 enemies¹.

He concluded² with telling the assembly, that the king had been informed that the aforesaid bishops had threatened to send messengers to Rome to complain of him: but, as the king had forbid any attempt of that kind, so his counsel did not spare to acquaint that assembly, that, if any body was sent to Rome upon that occasion without the good liking of the king, he should not find it an easy matter to return to England again. And yet at the same instant, whilst he thus forbade the applications of the bishops to the court of Rome, his counsel did by his appointment cite them thither³. Whether the king hoped by this means to engage the court of Rome, or, which is more likely, to silence the clamours of his enemies and cover his violence by a seeming forwardness to leave this matter to the arbitration of the holy chair, it is not easy to determine: but, whatever was the reason of a proceeding so unusual, such was the necessity of his affairs, that he thought fit to pay a seeming veneration to the authority of that court which he was now smarting under, and which he had too much reason to distrust and dread.

19. The bishops of Salisbury and Lincoln were not wanting to themselves, and, though they had given some ground for the suspicions of the king, yet what they urged for themselves was enough to set them right in the opinion of an assembly so well disposed to favour them, that, when their defence made no impressions on the king, the council petitioned for their liberty¹.

The king had by this time reason enough to reflect on his own ill conduct in bringing in upon the kingdom a foreign

¹ [Ibid. fol. 103 b, § 24.]

² [This mention of the threatened appeal to Rome was not part of De Vere's first speech, but was made on the third day of the council.]

³ Malmesb. *ibid.* fol. 103 b, 104 a, ed. Savile, [§ 27 ed. Hardy.]

¹ [The bishop of Lincoln was not present: the bishop of Salisbury spoke on his behalf as well as on his

own. But both had been set at liberty by the king as soon as they had surrendered their castles: the petition preferred in their favour by the council was that the king would restore their possessions and grant them a full pardon. Malmesb. *ibid.* §§ 23, 27: H. Huntingd. VIII, fol. 223 a, 41.]

power; a power wholly new, and such as had no more bounds than it had foundations in reason or law. However, that prince, being under a daily expectation of the landing of the empress Maud and her brother the earl of Gloucester, forgot the character which he supported, and by his counsel Alberic de Ver meanly stooped to plead his cause before his brother the legate, and thereby owned and gave some colour to an usurpation which he ought to have opposed with his blood: for the precedent was remembered when the reasons of his conduct were quite forgotten, and helped to strengthen the usurpation which, by taking the advantages of the weakness and ill circumstances of our kings, grew up to such a height as in time overwhelmed the rights of the church and the crown.

Stephen.
1139.

Whilst this unworthy conduct of this prince thus helped on the imposture which his successors groaned under, he gained little present advantage by it: for time showed that all this did not appease the indignation of his angry brother the legate; but, on the contrary, the council broke up in an uneasiness on every side. For the king and his friends thought he had done too much; yet, because he pursued his design till he had actually seized the castles of the bishops of Salisbury and Lincoln, and forced the bishop of Ely to take sanctuary in the army of the empress Maud, the legate and his party were as little satisfied as they were before, and their dissatisfaction and example misled a great many others: and this redoubled the perplexities which had before embarrassed the affairs of king Stephen. Whilst his government was in this ill posture, Maud the empress and her brother the earl of Gloucester landed in England the latter end of this year²; and the effect was such as might be expected, a bloody and unnatural war.

CHAPTER X.

AB ANNO 1140 AD ANNUM 1149.

1. A war between the king and empress: the effects thereof. Archbishop of Canterbury made legate: the folly and mischiefs thereof.

2. Thurstan archbishop of York dies. William and Murdac chosen in his room. St. Bernard favours Murdac.

² [On September 30, according to Malmesb. *ibid.* fol. 104 a, § 29. In Flor. Wigorn. there is a manifest blunder in the date.]

3. The bishop of Rome determines in favour of Murdac. William deposed: the reason thereof: the dishonour the crown suffers therein.

4. Several legatine councils about this time: the mischiefs thereof to the English metropolitans.

5. The proceedings of those councils. Maud lands in England. The king taken prisoner: the effects thereof.

6. The council of Winchester declares for Maud: proceedings in that council.

7. London submits to the queen. That princess elated with her success: the effects thereof. The earl of Gloucester taken prisoner.

8. King Stephen released. State of his affairs. The bishop of Winchester declares for him; excommunicates the [adherents of the] empress. Every thing carried to Rome by appeals. The clergy exempted from the secular power.

9. The effects of the aforesaid canon. The canon law brought into England: the occasion thereof.

10. The body of canon law composed to serve the papal usurpation.

11. The state of the court of Rome. The dispute betwixt the senate and the bishop of Rome.

12. The senate endeavours to retrench the power of the bishops of Rome.

13. The bishop of Winchester forms a design to erect his see into an archbishopric: pope Lucius concurs in that design. A design formed to erect the bishopric of St. David's in Wales into an archbishopric.

14. The grounds of Bernard bishop of St. David's his pretence. Pope Eugenius determines against him.

15. Pope Eugenius comes into France; calls a council to meet at Rheims. Theobald archbishop of Canterbury attends upon him: the king displeased thereat: the reason of that journey.

16. Theobald said to receive the title of "legatus natus". The true reasons of the archbishop's journey. The usage he received from the king.

17. The pretence of the archbishop for that journey. He keeps the monks of Canterbury in order. The court of Rome forms a design to break the authority of diocesan bishops: the reason thereof.

Stephen.

1140.

1. **A** WAR being thus begun, it was carried on in such a manner as gives one a very dreadful idea of state factions and the interests of parties, especially when they arrive at their full growth and break out into civil war: for, as if the gentleness and humanity so natural to the English nation and all concern for the public good had been extinguished by a violent zeal for a party, the barbarities were mutual and so equal on both sides, as if they had fought, not to conquer, but to ruin their country, and to gain to themselves enemies and dishonour rather than victory. And, if the Norman writer be not

mistaken, some of the bishops themselves forgot their character, and engaged in a warfare very different from that of their holy function, and had too great a share in the spoils and oppressions of their own country¹. The armies plundered and ravaged wheresoever they went, and lived at discretion, and, if our historians say true, practised unheard of cruelties to all the people which fell into their hands.

Stephen.
1140.

These sad circumstances of the English nation, together with the violent shock the court of Rome had received from the late schism, did for some time rescue the English church and nation from the rapine and extortion of papal legates sent us from abroad: but yet this rather increased than lessened the mischiefs the nation was groaning under; for it brought home and naturalized the unhappy spirit that people used to bring from Rome, and set our prelates upon taking that work into their own hands, and officiously promoting the usurpation which their wiser predecessors thought their duty to resist, a duty bound upon them by the authority of Christ and the canons of his church. But whether it was the figure the bishop of Winchester made with the legatine authority, or the mortifying usage the archbishop had received from thence, or an opinion that his authority as primate was broken past recovery, or his ambition to possess himself of a power in the province of York which he could not pretend to as primate of England, which misled him, is uncertain. Whatever occasioned it, about this time that prelate appeared under the character of legate, and, if we may rely on the *Antiquitates Britannicæ*, had too great a share in perpetuating the mischiefs which attended that authority: for pope Innocent the Second, wisely foreseeing that violence is seldom lasting, applied himself to find out a temper, which might at once secure the encroachment the court of Rome had made upon the authority of the archbishops of Canterbury as primates of England, and keep those prelates quiet under it; and to this end conferred upon Theobald the present archbishop and his successors the title of "*legati nati*", or perpetual legates of the bishops of Rome². Hitherto that title, and the authority

¹ *Gesta Stephani*, int. Hist. Norm. Scriptor. ed. Du Chesne p. 962 C, [ed. Sewell p. 99.]

² Matth. Parker de Antiq. Brit. Eccles. Vit. Theobald.

Stephen. which attended it, had been held during pleasure, and at most
 1140. expired at the death of the pope who granted it; and consequently there must be ever some intervals wherein the archbishops of Canterbury must act without it and by virtue of their proper authority as primates of England: but by this artifice the proper and the delegated power were made inseparable. And the usurpation was thought the interest of the succeeding archbishops; and the mischief was answerable, and lasted as long as the union, that is, till the Reformation restored the English church to its ancient rights, and delivered these nations from the tyranny and oppressions of the court of Rome.

1141. 2. The introducing or rather the fixing of the legatine power was not the only mischief which the confusions of the present war produced; but the unhappy circumstances of the nation gave opportunity to the court of Rome to acquire to itself a pretence to judge of the elections of bishops. To put them in possession of their temporalities by investiture after they were chosen and consecrated had hitherto bounded the pretensions of that court; but an unhappy dispute about the election of a new archbishop of York did about this time open them a way to enlarge their pretensions, and in the issue thereof to overturn all that power and freedom of elections which with so much noise and seeming zeal that court pretended to assert and to defend. The occasion was this: Thurstan the late archbishop of York dying about this time¹, William a canon and treasurer of that church was chosen by the better and greater part of the canons²; the other part of the canons chose Henry Murdac. Whether the promises of the

¹[Archbishop Turstein died February 6, 1141. Joan. Hagustald. int. X Scriptor. ed. Twysden 267, 268.]

²Stubbs Act. Pontif. Ebor. int. X Scriptor. ed. Twysden 1721. [It does not appear from Stubbs or any other authority that Henry Murdac was elected archbishop by any part of the canons on the death of Turstein. The next note will show that he can have had little or no connection with England at that time. The minority of the canons protested vehemently against the elec-

tion of William, and as they were supported by Richard the second abbot of Fountains, who had been elected by the monks at the bidding of St. Bernard, as well as by William the first abbot of Rievaulx, who had been actually sent over from Clairvaux to take that office on the foundation of that monastery, it was easy to obtain Bernard's powerful influence on their side. See Bernard. Epist. 353, 346, 347, 360, 235, 236, 238, 239, 240.]

king at his accession to the crown, or his present circumstances, or the zeal with which the court of Rome had of late asserted the right of capitular elections, led the chapter of York into this presumptuous attempt, one cannot easily determine; but as this is, if I mistake not, the first instance of this kind that is to be met with since the foundation of the English church, so the matter of the double election leaves it out of doubt that the crown had not its due and accustomed influence on the choice of the chapter.

Stephen.
1141.

But, whatever gave occasion to it, this dispute was carried to Rome; and, as that court well knew how to find their account therein, the dispute was received with open arms, and the decision was such as might be expected. Henry Murdac, one of the persons chosen by the chapter of York, was at the time of his election abbot of Fountains in Yorkshire, an abbey of the Cistercian order, founded by Thurstan his predecessor in the see of York; but he had been bred under St. Bernard³, together with pope Eugenius, in whom St. Bernard had so great an interest that in the two hundred thirty-eighth epistle, wrote to pope Eugenius upon this occasion, he tells that prelate that it was a saying common in men's mouths, that it was he was pope, and not Eugenius⁴. Now St. Bernard not only espoused the interest of Murdac, but with a heat and vehemence unbecoming his circumstances and character reproached his adversary. In his two hundred and thirty-fourth epistle to pope Celestine, and in his two hundred and thirty-fifth to the cardinals and court of Rome⁵, and in his two hundred and thirty-eighth to pope Eugenius, he treats him very coarsely, and with great importunity solicits the cause of Murdac. Yet, when one well considers the style and turn of those epistles, the heat of that learned writer

³ [Henry Murdac was a native of England, a man of much study and learning, and had a school of some celebrity; but by the persuasion of St. Bernard he abandoned it, and became a monk of Clairvaux. In 1135 he was made the first abbot of Vauclair near Laon in the department of Aisne in France; and in 1143 through the influence of St. Bernard the monks of Fountains' abbey elected him as successor to

Richard their second abbot. Bernard. Epist. 106, 320, 321: Gall. Christ. IX, 633: Hist. Monast. Font. ap. Dugd. Monast. Anglic. I, 746.]

⁴ ["Aiunt non vos esse papam, sed me; et undique ad me conflunt, qui habent negotia." Bernard. Epist. 239, not 238.]

⁵ [The epistles of St. Bernard here cited are 235 and 236.]

Stephen. seems to have its foundation in the monastic interest; and on
1141. the contrary his being a secular seems to be the greatest fault
of bishop William in the opinion of St. Bernard: such an
influence hath a passion for their own usages on the minds of
wise men.

3. However it was, after this matter had been debated in the courts of Innocent, Celestine, Lucius, and Eugenius, successively bishops of Rome, it was at last finally determined by Eugenius; and, after his consecration and possession of that see for some years, William archbishop of York was thrust out of his chair¹; and this too not for the reason on which St. Bernard moved, but for a consideration a king of England who has any concern for the rights or honour of the crown ought never to forgive; and this was, because king Stephen had nominated him to that trust before his election by the chapter; for in the sentence of deposition pronounced by Alberic bishop of Ostia there is no other cause assigned for it². This was so bold and so insolent an affront to the king of England, and so impudent an insult over the canons and discipline of the whole catholic church, that it is hard to determine whether the king of England or the Christian church was worst used in this affair: but so it was, that, although this prelate passed in our history by the title of St. William, yet he was forced to give way to his adversary, and waited till his death before he was restored³.

If I am not mistaken, this was the first instance wherein the court of Rome pretended to judge of the election of a bishop of England, and this the first fruits of that unhappy oversight which led Henry the First to give up the interest the kings of England had ever had in the choice of their bishops⁴. And it was this which led the way to the infinite troubles and irreparable dishonour which the English nation suffered in the reign of king John⁵. For the chapters of cathedral churches, being left to a freedom of election, were

¹ [In 1147. Pagi on Baron. an. 1147, xiv, xv. William was consecrated by the bishop of Winchester.]

² Gervas. Chron. an. 1147, int. X Scriptor. ed. Twysden 1363, 39.

³ [Henry Murdac died in 1153. Archbishop William was then re-

elected, obtained his pall from pope Anastasius IV, was received at York with very great honour, but died June 8, 1154. Stubbs *ibid.* 1721, 1722.]

⁴ [See before, II, vi, 11, 12.]

⁵ [See below, xx, 4-10.]

often divided in their sentiments, and the effect was what the court of Rome easily foresaw : the kings having given up their right, and there being no other authority that could regularly pretend to it, that matter fell in course into the hands of the bishops of Rome, who were heirs general to every right and to every power which served their purpose, and never wanted assurance to put in their claims, nor reasons to support them, whenever they met with men who had folly enough to apply to them and power to defend the usurpation. Nor was this the only advantage the court of Rome reaped from the present miseries of the English nation ; for the settlement of the legatine power had the same beginning, and about the same time.

Stephen.
1141.

4. Though the legatine power never entered but where the pale of the national church was first broken down to make way for it, and confusion and blood so covered the face of these kingdoms at this time that there was no place for the regular power of the church, yet the compass of three or four years produced no less than four or five legatine councils ; one under Theobald archbishop and legate in the year 1140 or 41¹, three under the bishop of Winchester², and one wherein Alexander bishop of Lincoln is said to preside.

Beside these M. Westminster makes mention of a council held under William bishop of Lincoln in the year 1142³ ; but it is as evident that this must be a mistake, as it is that William was not at this time bishop of Lincoln. And one cannot forbear thinking that what is said of the council under Alexander bishop of that see is no better founded, though it has had better fortune, and from the learned collector of the British Councils has been transcribed into Labbe's edition of the Councils⁴. Bishop Godwin, upon whose authority this particular is founded, saith that several useful canons were made in that assembly⁵ ; but, as these canons

¹ [Concil. Brit. Spelman II, 44, Wilkins I, 424. In the former collection this council is placed ten years too early. It was held in Lent 1151 the sixteenth year of Stephen.]

² [Ibid. Spelman II, 45-47, Wilkins I, 420, 421. The first two of these three councils were held in 1141, not (as both Spelman and

Wilkins place them) in 1142. They are the same with those which are mentioned below in §§ 6 and 8 of this chapter.]

³ M. Westm. an. 1142.

⁴ [Concil. Brit. Spelman II, 48 ; Wilkins I, 421, not. : Concil. Labbe X, 1033, Mansi XXI, 603.]

⁵ [Godwin. Præsul. Angl., Episc.

Stephen. have never yet appeared, the circumstances of the nation in
 1141. general and of the bishop of Lincoln in particular, and the general silence of historians, who make no mention of it, would incline one to believe that there is little more truth in this particular than in what Malmesbury saith of that bishop's flying to Scotland with Stigand archbishop of Canterbury in the year 1070⁶, which was fifty years before he was made a bishop, and probably before he was born.

But in the councils allowed on all hands the growth of the legatine power appears so quick, and the steps so bold, that one is amazed to observe what a mighty change a few years produced. It was a strange solecism in the discipline of the church to see a suffragan bishop insult his own metropolitan, convening him to synods in his own province, and taking the chair in his presence, and this too under a title and authority equally unknown to all the ancient canons of the Christian church.

5. It was still more strange and surprising to see the authority, which in England owed its very being to the favour of king Stephen, first calling that prince to account, and then given away his crown: and yet this was the use which was made of the legatine power; for king Stephen was summoned to, and called to account in, the council of Winchester in the year 1139¹; and in that held in the same place in the year 1142 his brother the legate gave away his crown to Maud the empress²; and before the year was done, in another legatine council held at Westminster³, the afore-said legate turned his power the other way, and excommunicated that princess and all her adherents. But, having said

Lincoln., Vit. Alexand., p. 285 ed. 1743.]

⁶ [This is not said by Malmesbury, but by Matthew Paris. Inett, as well as Wilkins and others, adopted without examination an error of Spelman's pen.]

¹ Malmesb. Hist. Nov. II, fol. 103, ed. Savile, [§§ 21-28, ed. Hardy. See before, II, ix, 17, 18.]

² Ibid fol. 105 b, 106 a, ed. Savile, [III, §§ 43-47, ed. Hardy. This council was held in April 1141, in the sixth year of Stephen's reign, while he was imprisoned at Bristol.]

³ Florent. Continuat. an. 1141.

[The reference here given by Inett is erroneous: the Continuation of Florence breaks off abruptly in the midst of the year 1141 before the date of this council. The council was held in December 1141 shortly after Stephen's liberation. Malmesbury says that Maud herself was exempted from the excommunication to which her adherents were subjected. Hist. Nov. II, fol. 108 a, 35-54, ed. Savile; III, § 52, ed. Hardy.]

this to lay together in one view the mischiefs which immediately followed the admission of the legatine power, it will be necessary to turn back again and to observe the steps by which things were brought into this posture and condition; and in order thereunto we must look into the affairs of the state and the great variety of fortune which attended the war.

Stephen.

1141.

The empress Maud, confiding in the justice of her claim and the affections and promises of the nobility and bishops, came into England in the year 1139, but with a force no way answerable to her pretensions: and, whether it was that the nation was not so well inclined to her interest as she expected, or the fears of provoking a prince they had not power to resist kept her friends from declaring for her, so it was, that for more than a year every thing went wrong on her side, and the affairs of the king were very promising and hopeful, when of a sudden one surprising blow turned the scale the other way; for in the beginning of February this year the king received a considerable defeat at Lincoln, and was himself taken and carried prisoner to Gloucester.

This accident opened a new scene: for, the king being now a prisoner, the earl of Gloucester omitted nothing that was likely to break his party, and in order thereunto applied himself to the bishop of Winchester, the legate of pope Innocent and brother to the king, and by his agents managed that prelate so well, that he was prevailed upon to leave the party of his brother and come over to the empress; and, an interview being appointed, the empress and earl of Gloucester, attended by a body of men sufficient for their security, met the bishop of Winchester, together with others the chief of the king's party, on the plains near Winchester; where, the empress having sworn to leave the disposal of bishoprics and abbeys to the care of the bishop of Winchester, and promised to hearken to his counsel, he owned her title to the crown, and promised all duty and allegiance to her whilst she observed what had been agreed upon⁴.

6. The archbishop was by the legate invited to Winchester; but, though he came thither, yet he refused to own the title, or to promise his allegiance to the empress¹. However,

⁴ Malmesb. *ibid.* fol. 106, ed. Savile, [§ 42, ed. Hardy.]

¹ *Ibid.*

Stephen. matters being brought to this pass, the legate pursued the
 1141. interest of the party in which he was engaged, and in pursuance thereof by his legatine authority summoned a council, which met at Winchester the week after Easter. The first day was taken up in distinct and secret conferences betwixt the legate and the clergy, and that prelate having successively applied himself to the bishops, abbots, and archdeacons, and by those distinct conferences sounded the inclinations of the clergy, the day following he spoke his mind freely to the whole assembly ².

In the first place, he minded the council of the character of legate which he supported, and magnified the conduct of Henry the First, father to Maud, and the great happiness which the nation enjoyed under his government, and with great sharpness set forth the miscarriages of his own brother king Stephen's reign, wherein (as he said) justice was not administered, bishops were imprisoned and oppressed, bishoprics and abbeys sold, the advice of good men rejected, and the counsels of evil ministers pursued; nor did he forget to tell that assembly, that, although he had a natural affection and tenderness for his brother, yet his zeal for God was in the first place to be considered ³. In short, though several petitions for the restoration of king Stephen were offered, and in particular one from the city of London, yet Maud the empress was received as queen of England by this assembly, and the bishop of Winchester not only delivered up that city to her, but gave benediction to all that yielded obedience to her, and excommunicated all that denied or opposed her title to the crown ⁴.

7. The authority and example of the legate and clergy so far prevailed, that the city of London submitted to the queen ¹. But such is the folly of mankind, that there are few who know how to bear prosperity and success; and this was the case of this princess: her success carried her beyond all the bounds of moderation and wisdom, and left no room for the bowels and tenderness of a prince to her people. For notwithstanding all the promises she had made to confirm the

² [Ibid. § 43.]

³ Ibid. [§ 44.]

⁴ [Ibid. §§ 45-47:] Flor. Wigorn.

Continuat. an. 1141.

¹ [Malmesb. ibid. § 48.]

grants of king Stephen, and to abate all the rigour and uneasiness of her father's laws, all was now forgot, and nothing more thought on than taking revenge on those who had opposed her accession to the throne, and setting up her will as a standard to her future reign; and so entirely did her heart run this way, that the sober advices of her brother the earl of Gloucester were not sufficient to set any bounds to the haughtiness and vanity of that princess. Stephen.
1141.

The effects were such as those unhappy passions do usually produce: for this her ill conduct so quickly turned the hearts of her people, that the city of London, which had but a little before received her with the marks of affection and joy, entered into a conspiracy against her, so that she was forced to retire from thence to Oxford. And now such another chance of war as that which had first elated this princess, added to the ill impressions she had given her people, broke all her measures. King Stephen was by his imprisonment reduced to such circumstances, that the queen and the nobility, who petitioned the empress for his liberty, promised that he should give up his pretensions to the crown, and retire to a monastery; but everything of this kind was rejected with scorn³. Therefore Matilda the queen, watching her opportunity and having drawn together a sufficient body of men, marched with so much speed and secresy that she surprised the empress and the earl of Gloucester in Winchester; and having seized all the avenues before they could retire, or make sufficient provision for their defence, they had no other way but to attempt to retire privately in the night. The empress had the good fortune to escape, and fled to a monastery; but the earl of Gloucester fell into the hands of the queen, and was sent prisoner to the castle of Rochester⁴. And this accident gave a new turn to the affairs of her husband king Stephen, and once again brought the parties to a balance: so sudden and uncertain are the chances of war. 1142.
[1141.]²

8. This change to the advantage of king Stephen in a little time turned the balance the other way; for, Maud being

² [These events belong to the same year in which Stephen was made prisoner.]

³ Flor. Wigorn. Continuat. an. 1141.

⁴ Sax. Chron. an. 1140.

Stephen. under a necessity of redeeming her brother by releasing king
 1142. Stephen, her affairs presently grew worse and king Stephen's
 [1141.] better, and the same reasons and the same authority, which
 but a little before had advanced the interest of Maud, hum-
 bled it again, and set up that of king Stephen. Men who judge
 of right and wrong by their particular interests never judge
 truly but when their interest lies on the right side, and are
 only just by chance; yet they seldom want light enough to
 judge for themselves, and are easily persuaded of the right-
 eousness of a prevailing cause: and, if the legate did not
 govern himself by considerations of this kind, yet so it was,
 that that prelate, who at the aforesaid council of Winchester
 excommunicated all the adherents of his brother, did in a
 legatine council held at Westminster in the beginning of
 December this year, command the people of England to
 assist his brother against the empress, and turned the ex-
 communication against the favourers of her interest¹.

But, whatever king Stephen got, the nation suffered by
 this turn of affairs; for, instead of ending, this gave new life
 and vigour to the miseries of a civil war, and a long scene of
 confusion and blood ensued. And it was not a little part
 which the church bore in the confusions of the state; for, as
 it was these confusions which settled and perpetuated the
 usurped authority of the papal legate, and thereby brought
 the bishops of Rome to a sort of legislature and power of
 making canons in England, so the same reason and the same
 circumstances led the way to the practice of carrying things
 to Rome by appeals. Nor were these the only novelties the
 haughty bishop of Winchester helped to bring into the
 church; but in the council of London in the beginning of
 1143. this year he formed or rather revived and confirmed a canon,
 [1142.] by which the clergy were exempted from the secular power,
 and every violence or outrage to their persons, to churches
 and churchyards, was declared an offence from which the
 bishop of Rome alone could absolve the guilty, or at least it
 must be done in his presence².

9. It is not unlikely that the clergy and their churches

¹ Malmesb. Hist. Nov. II, fol. 108 a, 35-54, ed. Savile; [III, § 52, ed. Hardy. See before in this chap-
 ter § 5 note 3.]

² Concil. Brit. Spelman II, 47, [Wilkins I, 421.]

had not escaped the fury of the war, and that it was this Stephen. which gave occasion and colour to this canon; but, as a 1143. canon on this subject was what the English church had never [1142.] heard of till the beginning of this reign, the latter part of the canon, which carries the cognizance of offences against this canon to the bishop of Rome, was still more strange in England, which had never yet known what it was to send to Rome for justice. But, if this was a popular art of the legate to make his court to the clergy and religious, beyond all doubt he did not forget the court that entrusted him with the character which he supported; for, if this lessened the authority of the church and the kingdom by removing some causes to the see of Rome, it gave a new addition of power to that court and to their legates, who were entrusted with the conduct of it, and who in the course of things must necessarily have a great share in affairs of this kind. And, as the first thought of a canon of this nature was brought from Rome, and an imperfect draught thereof published in the council at Westminster in the year 1138 by Alberic bishop of Ostia, legate of pope Innocent¹, there is no doubt to be made but the court which formed the canon knew very well how to find their own account in it.

This change in the discipline of the English church made so quick and visible a turn in the rules and methods of the English ecclesiastical law, that it is well observed by a learned monk, that the confusions and disputes which attended this new legatine power occasioned the bringing of the canon law into England, and brought over some canonists to instruct men in the study thereof; amongst whom was Vacarius, who went and settled in Oxford, and was the first who taught the canon law in England².

¹ [See before, II, ix, 13.]

² ["Tunc leges et causidici in Angliam primo vocati sunt, quorum primus erat magister Vacarius. Hic in Oxonefordia legem docuit, et apud Romam magister Gracianus et Alexander (qui et Rodlandus, in proximo papa futurus," *Rolando afterwards, during 1159-1181, pope Alexander III*) "canones compilavit."] Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1665, 30.

[It was the Roman or civil law, not the canon law, which Vacarius taught at Oxford; as indeed is plain from the distinction made between "legem" and "canones" in the passage above cited from Gervase. See Wood's *Antiqq. Oxon.* an. 1149: Sarti *De Claris Archigymnasii Bononiensis Professoribus* (a volume found in catalogues under the name of Fattorini, who finished and edited it after Sarti's death),

Stephen. This was a necessary consequence of those changes which
 1143. were unhappily introduced into the English church about this time; for one change in the polity of a church does of necessity require another in the rules by which it must be conducted. From the first foundation of the English church to this time there had not been so much as one canon made or received in England to direct the exercise of the legatine power, or to show in what cases appeals might be made to the bishops of Rome, and by what methods they should be conducted: and it is very evident that nothing of this kind is to be met with in any ancient canons of the Christian church; and in the first collection of the canons by Dionysius Exiguus the case is still the same.

10. Therefore the same men, who projected the change in the government of the Christian church, projected the forming of a body of laws, which might answer the plan and scheme that they had formed: and accordingly about the year 1151 a work of this kind was published by Gratian a monk of St. Felix at Bononia¹ in Italy, wherein, beside the ancient canons and sayings of the fathers, many forged epistles ascribed to the ancient popes² and many rescripts and

Jur. Civil. Profess. X, Pars I, pp. 49–54: and Wenck's treatise entitled "Magister Vacarius primus Juris Romani in Anglia Professor". Vacarius appears to have come to England about the year 1144. The new study, introduced and encouraged by archbishop Theobald, was viewed with fear and suspicion by the king, and the foreign professor was silenced for a time by royal command. But in 1149 his lectures were eagerly attended by persons of all ranks, and there is some reason for thinking that he was still teaching in England in 1164 or 1165. At the request and for the use of his poorer auditors he drew up an abridgment of the Codex and Digests in nine books, a copy of which work remains among the manuscripts in the library of Worcester cathedral.]

¹ [Now Bologna. Gervase, cited in note 2 on § 9, was mistaken in saying that Gratian compiled his Decretum at Rome. And it seems certain that the work was published

several years earlier than 1151, probably in or soon after 1140. See Sarti (or Fattorini) De Clar. Bonon. Profess., Jur. Canon. Profess. I, Pars I, pp. 259–265.

Gervase is the only writer who assigns to Rolando Bandanelli, afterwards pope Alexander III, any share in the compilation of the Decretum; but it is highly probable that Gratian had at least the benefit of his occasional advice. For Rolando was resident in Bologna at the time as professor of Theology, "Magister in Divina Pagina", and he was eminent for his knowledge both of the ecclesiastical and the civil law, accomplishments which procured for him the appointment of chancellor of the Roman see from pope Eugenius III in 1152. See Sarti *ibid.* Theol. Profess. II, Pars II, pp. 5, 6.]

² [The spurious decretals contained in the Decretum were first published in the previous collection of Isidore Mercator, and were re-

constitutions of the late bishops of Rome were made public, and all the interest that court could make was used to give that collection the stamp and authority of law; and, with great additions of the same kind, that collection was in succession of time forced upon the western churches. But, though Gratian's collection was at last only generally received, yet several collections of this kind had before been made and dispersed by that court whose interest it was to have them received; and in particular Ivo bishop of Chartres, above thirty years before that of Gratian, had made and published his collections known by the name of his *Pannormia* and *Decretum*, both works of the same kind with that of Gratian³. And the new notions of the ecclesiastic liberty had engaged other parts of the west in those studies before we hear of them in England; and it is probable that the same men who were about this time modelling the English church and bringing in new rules of discipline obliged the nation with collections fitted to their own minds. But, whatever occasioned it, Gervasius observes that about this time the canon law was brought into England, and the study of it begun⁴.

Stephen.
1143.

How little soever these advances of the papal usurpation may appear in the first view, time will show they were of the first importance, as well to the state as to the church, and

ceived as genuine everywhere for several centuries. See the learned dissertation of the brothers Ballerini *De Antiquis Collectionibus Canonum* III, vi, *Oper. S. Leonis* Tom. III, p. ccxv; or Hardwick's *History of the Christian Church* ch. vi, p. 145, note 1. Gratian therefore ought not to be severely censured for giving further currency to a forgery which no one during many generations, after as well as before his time, seems to have even suspected. But his work is open to censure on other grounds. Charles Butler in his *Historical and Literary Account of the Roman and Canon Law*, Of the Canon Law V, 2, says that the *Decretum* "abounds with errors", and that even in the "more correct edition", published under the auspices of pope Gregory XIII about the year 1580, "several faulty passages still re-

main". "To the compilations of Isidore and Gratian", he adds, "one of the greatest misfortunes of the church, the claim of the popes to temporal power by divine right, may in some measure be attributed. That a claim so unfounded and so impious, so detrimental to religion, and so hostile to the peace of the world, should have been made is strange; stranger yet is the success it met with." It should be remembered that this eminent writer and jurist was himself a Roman catholic.]

³ [Ivo, who had been a pupil of Lanfranc at Bec, was consecrated to the see of Chartres in 1090 and died in 1117, according to Pagi on *Baron. Annal. an. 1092*, vi, *an. 1117*, xiii. On his collections see the dissertation *De Antiq. Collect. Canonum* cited in the last note, IV, xvi, p. cccx.]

⁴ [See note 2 on § 9.]

Stephen. drew great consequences after them. But, though these pre-
1143. tensions were broached about this time, yet they had not their effects till the next reign, where we shall meet with them again, and see what a mighty flame a little fire may kindle⁵: therefore I must leave them for the present. And indeed the remainders of our ecclesiastic story within the compass of king Stephen's reign lie in a very little room; for the miseries and confusions these nations suffered in the war betwixt king Stephen and the empress and her son prince Henry left so little room for the affairs of the church, that our historians are in a manner silent till the final conclusion of that controversy with the death of king Stephen in the year 1154.

11. As the unhappy circumstances of the English nation did in some measure contribute to the barrenness of our ecclesiastical story, there was another thing which had a greater share therein; and this was the embroiled state of the court of Rome. For almost an age the designs and intrigues of that court had been one of the chief sources of our story; for the bishops of Rome were restless and impatient in the pursuit of those great designs formed by pope Gregory the Seventh, and were never at quiet but when it was out of their power to be troublesome; and such at this time were the circumstances of that court that, if our own ambition and folly had not helped on their usurpation, they had not been in a condition to have hurt us.

Notwithstanding the fine tales which the world has been told of Constantine's granting the bishops of Rome the secular power over that city, and the dreams of Hildebrand of a power to govern princes and dispose of states and kingdoms, committed to those prelates as vicars of Christ, the nobility and people of Rome were so little acquainted with the pretended rights of those prelates that about this time they attempted to restore the ancient government of Rome. And, as they invited the emperor to resume the rights of his predecessors, and to give the world fresh marks of his authority in Rome by building his palace therein, so they restored the ancient authority of the Roman senate, and denied the secular authority of their bishops, and confined their rights and

⁵ [See below, xii, 13—xiv, 4, xv, 1—8.]

powers to the care of souls¹. Pope Innocent was now in the chair, and used all his interest to preserve the secular authority of which the bishops of Rome had for some time been in possession; but, finding himself unable to stem the interest of the senate, he sunk under it, and took his bed and died². Stephen.
1143.

But his death made no change in the sentiments of the Roman nobility, but on the contrary encouraged them to proceed to reduce the bishops of Rome to their primitive state, and to restore the emperor to his right. Therefore the year following they chose Jordan, son of Peter Leon, patrician, and paid him the respect due to him as a prince³, and wrote to Conrad king of the Romans in the ancient style of the senate and people of Rome, and told that prince they were labouring to restore him and his successors to the rights and authority in Rome which Constantine the Great and Justinian had before enjoyed, who, as they say, with the advice and assistance of the senate had governed the world⁴. 1144.

12. In the mean while they confined the business of Lucius at this time bishop of Rome to the care of souls, and his subsistence to tithes and oblations¹, and took the public revenue to themselves. But, though the unhappy spirit which Gregory the Seventh had left to his successors, and the idea they had of their rights and powers, were such as made this bold attempt to reform them to be received with the utmost degrees of uneasiness and mortification, yet it had this good effect, that it cooled the ambition of the clergy, and so effectually prevented the strife which the languishing desires of

¹ [The attempt to restore the Roman senate began in 1141; the restoration itself, according to Baronius, dates from 1144.] Baron. Annal. ann. [1141, i-iii;] 1143, x; [1144, i. It was in 1144 also that the invitation to the emperor was sent: see note 4 below.]

² Gervas. Chron. X Script. col. 1665. [This reference is erroneous. It is not the Chronicle of Gervasius, but his History of the archbishops of Canterbury, which includes col. 1665 of the Decem Scriptores; and neither in that column, nor in the Chronicle at col. 1360 where the death of pope Innocent is recorded,

are any of the circumstances which Inett mentions related or implied. Innocent II died September 24, 1143.]

³ Baron. Annal. an. 1144, iv.

⁴ Ibid. v. [The petitions in this memorial are summed up in the following lines, subjoined to it in the way of a salutation. "Rex valeat, quidquid cupit obtineat, super hostes Imperium teneat, Romæ sedeat, regat orbem Princeps terrarum, ceu fecit Justinianus: Cæsar accipiat Cæsar, quæ sunt sua præsul, Ut Christus jussit, Petro solvente tributum."]

¹ Ibid. iv.

Stephen. that chair had before occasioned, and kept those who obtained
 1144. it so far from the troubles which the views of Gregory had exposed them to who pursued his steps, that Peter abbot of Cluniac² in an epistle to pope Celestine tells that prelate, that, whereas pope Alexander the Second, Gregory, Urban, Paschal, Gelasius, Calixtus, Honorius, and Innocent met with great struggles and oppositions in their way to the holy chair and great difficulties in the care thereof, pope Celestine, as that writer observes, came quietly and undisturbed in his way to it, and held it with peace³; considerations which would have had a great deal of weight in the better ages of the church, but to men charmed with the lustre of wealth and power were of no force, and little regarded at this time.

The aforesaid attempt to reduce the bishops of Rome to their primitive state is said to be formed by Arnaldus de Brixia: therefore the later writers, who well knew that the court of Rome dreaded nothing more than to be reduced to its ancient state, called this the Arnaldine heresy, and the abettors Arnaldists and heretics⁴, the usual name they bestow on those that either oppose their wealth or their power, or reproach their errors.

Whilst Lucius the present bishop of Rome was thus labouring at home, and had not interest enough to secure his authority from the citizens of Rome, the folly and ambition of the bishop of Winchester led him to an enterprise which ascribed to that prelate a power he had no pretence to in England; and this was to divide the province of Canterbury.

13. That prelate, well knowing that his legatine power was but precarious at the best, and might shrink into a little compass whenever the affairs of the state were brought to a due settlement, formed a design to divide the province of Canterbury and erect a new archbishopric at Winchester, and in order thereunto to erect the monastery of Hyde near Winchester into a bishop's see, and further to enlarge the

² [See before, II, viii, 3, note 3.]

³ [Petr. Clun. Epist. IV, 18, cited by] Baron. Annal. an. 1143, xii. [Celestine II, who was elected pope September 26, 1143, on the decease of Innocent II, died in less than six months, namely March 9, 1144, and

was succeeded by Lucius II.]

⁴ [Baron. Annal. ann. 1141, iii; 1144, iv, viii. Concerning Arnold of Brescia see Neander's Church History tr. Torrey Vol. VII, pp. 198-218.]

province by laying the bishopric of Chichester into it¹. There are others of our historians who say, that his design was to take seven bishoprics from the province of Canterbury, and that pope Lucius was brought into it, and in order thereunto sent a pall to the bishop of Winchester²: but, if the account of Baronius may be relied upon, that prelate was created pope but in the beginning of March 1144, and died the latter end of February the year following³. If we add to this, that the English nation was in too great a ferment to admit a change of this kind, and that there had never yet been a bishopric in England erected by the papal authority, there will appear just grounds to believe that this matter went no further than the imaginations, or at the most the projects and designs, of that haughty prelate, who had ambition enough to lead him to thoughts of this kind.

Stephen.
1144.

Whatever blame that prelate deserved, he did not want some good qualities to recommend him to posterity. Amongst other instances thereof it may be fit to remember that his house was the sanctuary to William the oppressed and injured archbishop of York, of whom the annals of the church of Winchester say, he lived with great piety and devotion⁴: however, St. Bernard thought fit to style him an idol, and to insinuate a charge of simony against him⁵.

But, if a doubt can be made of the design of the bishop of Winchester to divide the province of Canterbury, it is beyond a question that a project was formed about this time to withdraw the bishoprics of Wales, and to set up or to restore the bishops of St. David's to the authority of metropolitans; and this affair, and indeed almost every thing that was the subject of dispute during the confusions of the domestic war, was carried to Rome. One cannot say when this design was first formed, but it appears that Bernard, the present bishop of St. David's, had spent some time upon this occasion in the court of Rome⁶.

1147.

¹ Annal. Eccles. Winton. an. 1143, Angl. Sacr. I, 300. [The annalist says that the bishop of Winchester's attempt was made with pope Innocent.]

² R. Dicet. Abbrev. Chron. int. X Scriptor. ed. Twysden 508.

³ [Baron. Annal. ann. 1144, i; 1145, i.]

⁴ Annal. Eccles. Winton. an. 1147, ibid. [Cf. Joan. Hagustald. an. 1148, int. X Scriptor. ed. Twysden 276.]

⁵ Bernard. Epist. 239.

⁶ [Girald. Cambrens. de jure et statu Menev. Eccles., Angl. Sacr. II,

534.]

Stephen.

1147.

14. A great deal was to be said on the side of bishop Bernard; for Cambrensis has rightly observed that the British bishops denied the authority of Augustin the first archbishop of Canterbury, and never submitted to his successors, nor, for aught appears to the contrary, ever owned the provincial authority of those prelates through the whole Saxon government¹. And it is highly probable that the change in the face and discipline of that church was, as that author observes, owing to the conquest of Henry the First, who, by subduing the kingdom, reduced the British to a submission to the English church². But the fate of churches does so necessarily follow that of the state, and two distinct and independent national churches in one kingdom are things so inconsistent, that the uniting of Wales to the kingdom of England makes it easy to account for the union of the churches thereof under the authority of the same primate. But there was nothing in the nature or necessary consequences of that union to impeach the authority of a metropolitan; so that, if the pleasure of the king had not determined on the other side, St. David's might still have retained the honour of being the metropolis, and the bishops thereof of being the metropolitans, of Wales, and yet by owning the primacy of the archbishops of Canterbury the union of the churches might have been preserved.

But the profession of canonical obedience made by Bernard the present bishop of St. David's at his consecration to Radulphus then archbishop of Canterbury as his metropolitan, as it left no room to doubt the pleasure of king Henry the First, who had reduced Wales to his obedience, so it lay so heavily on his pretensions that Bernard was never able to get over the difficulty which that act of his own had laid in his way³: therefore in the rescript of Eugenius, by whom this affair was about this time adjusted for the present, (settled I cannot say⁴), that prelate did upon this ground determine in favour of the archbishop Theobald⁵. Besides,

¹ [Ibid. 518.]

² [Ibid. 517, 534, 541.]

³ Eadm. Hist. Nov. V, p. 116, 51.
[See before, II, vii, 7, 8.]

⁴ [See below, xviii, 13; xix, 1-5.]

⁵ Eugen. III Epist. 2, Concil.

Labbe X, 1048, [Mansi XXI, 628. The letter bears date at Meaux on June 29, 1147: see Pagi on Baron. Annal. an. 1148, viii. It appointed the feast of St. Luke in the following year, October 18, 1148, for a further hearing of the case in order to a

it is not unlikely that the zeal of Theobald for the interest of the papacy might give new weight to his pretensions. Stephen.
1148.

15. Pope Eugenius, led to it by the mortification of his authority at home, came about this time into France; and, beside several provincial councils held by him during his stay there, he pretended to call a general council to meet at Rheims. The king refused to permit his bishops to attend upon that assembly; but the archbishop, probably led by his fears to see his province divided, went over into France, where his zeal for pope Eugenius rendered him so acceptable a guest to that prelate, that the writer of his life saith the joy of that meeting was scarce to be expressed. But the same reasons, which made him welcome there, made him very unwelcome to the king at his return to England; for that prince so resented his disobedience, that upon his return he sent him back again to France, and would not suffer him to stay in England¹.

Some of our writers pretend to ascribe this disgrace to the bishop of Winchester, and say, that, whilst that prelate put pope Eugenius upon inviting the archbishop into France, he at the same time dissuaded the king from permitting him to go, and by this artifice put him under a necessity of falling under the displeasure of the king or of the bishop of Rome². But, whatever engaged the king to deny him leave to go to pope Eugenius, the disobedience of the archbishop and the account the writers of this age give of this affair, who call this undutifulness obedience to God and speak of it as meritorious, show what a mighty change a little time had produced in the English church. Lanfranc and the whole clergy of his time thought themselves under no obligation to attend on the summons of the bishops of Rome, when the king of England required them to stay at home³; but by this time the papal usurpation had gained so much ground, that what was before a fault was now become a duty, and the law of England began to give way to a pretence unknown to all the best ages of the church.

final judgment; but before the day arrived bishop Bernard died.]

¹ Gervas. Chron. int. X Scriptor. ed. Twysden 1363: [Act. Pontif.

Cantuar. ibid. 1666.]

² Gervas. Chron. ibid.

³ [See before, II, ii, 17, iii, 4.]

Stephen. There is no doubt the archbishop was very uneasy under
 1148. the insults which his authority daily received from the legate; and it is probable that the present mischief he smarted under put him upon this journey to France, to gain the power which he found himself unable to resist, and to do that by a delegated and borrowed authority which he was not permitted to do in his own right.

16. But our writers, who charge this disobedience upon this prelate, usually say that he had his legatine commission from pope Celestine, and that he prevailed with that prelate to recall the commission granted to the bishop of Winchester. This circumstance rather increases than takes off the difficulty which attends upon this affair; for Celestine lived but five months and ten days after he was raised to the papal chair¹; and it is probable that the bishop of Winchester was legate to his successor pope Lucius². And therefore, if there be truth in what is said of archbishop Theobald's receiving the title of "legatus natus"³, it is most probable it was gained about this time and from the present pope Eugenius, and that this was a part of the business which led him into France.

If one may judge of past counsels by succeeding events, matters of a different nature from those before mentioned were concerted at this interview betwixt the archbishop and Eugenius bishop of Rome; for it is probable that they there entered into measures to favour the pretensions of the empress and her son against king Stephen, and that the jealousies that prince had of this affair were the true reason why he continued so steady in denying leave to the archbishop to go abroad, and treated him so coarsely at his return. Thus much is certain, that those two prelates quickly after appeared in the interest of the king's enemies, and that, when the king had projected the crowning of his son Eustace king of England, the archbishop chose rather to go into banishment than to comply with the king, and justified himself by pretending he was forbid to do it by the pope⁴. And it is not unlikely

¹ Baron. Annal. an. 1144, i.

² R. Dicet. Abbrev. Chron. int. X Scriptor. ed. Twysden 508, [cited before, § 13, note 2.]

³ [See before in this chapter, § 1.]

⁴ H. Huntingd. VIII, fol. 226 b: [Gervas. Act. Pontif. Cantuar. int. X Scriptor. ed. Twysden 1668. This

that it was views of this kind which made the archbishop singular in his opinion and practice in the aforesaid instance ; for the bishops, though they were afterwards brought to unite in their refusal to crown the son of the king, yet thought it their duty at this time to comply with his commands, and stay at home, rather than with the monition of the bishop of Rome to attend the council of Rheims. Stephen.
1148.

17. Whatever reasons kept the bishops at home, the archbishop not only attended upon pope Eugenius, but, as men whose understandings are thoroughly complaisant to their wills, and who can easily believe what they wish for, he entitled God to his disobedience to the king. But this made the matter worse rather than better, and the king so resented his disobedience, that, though he was permitted to return to England and restored to his temporalities, yet the misunderstanding thus begun never ended but with the death of the king.

But, whatever else that prelate gained by his new friendship with pope Eugenius and his title of legate, it seems likely that he gained authority and courage enough to keep the monks of Canterbury within the bounds of their duty : for, though the true ground of the dispute betwixt them does not appear, yet it is evident that he deposed Walter prior of the monks of Canterbury, and sent him a prisoner to Gloucester, and put in Wibert in his room ; and, when the convent appealed to the court of Rome, he despised their appeal, and forced them to renounce it and to submit to his censure¹. But, however he escaped, the convent had their time to be revenged on his successors². He had this advantage, that the practice of appeals was yet so new in England, that the same writer, who says that prelate despised the appeal of the convent, says that practice was first begun by Henry the present bishop of Winchester³.

was in the seventeenth year of Stephen's reign, that is to say, in the year which ended 25 December 1152.]

¹ Gervas. *ibid.* 1667, 32-59.

² [The monks of Canterbury whom archbishop Theobald thus mastered were the monks of Christ Church, the cathedral church ; but

in saying that they were "revenged on his successors" Inett seems to be referring to a victory gained over archbishop Richard in 1178 by another convent at Canterbury, the abbot and monks of St. Augustin's. See below, xv, 13.]

³ Gervas. *ibid.* 65.

Stephen. But what that writer has left in the dark the dispute
 1148. betwixt the seculars and the monks, which about this time spread itself through the western churches, may possibly explain to us. This controversy had the same beginning, and was directed to the same ends, with those about the right of investitures and the legatine power; for, however different the subjects may appear, the papal usurpation was the common spring which set all those disputes into motion. It was to no end to attempt the authority of diocesan bishops, whilst the power of princes and the authority of national churches stood in the way of the usurpation, and could upon all occasions screen the bishops and their clergy; but, the court of Rome having made its way through them, lest they should be embarrassed by the authority which the canons and universal practice of the whole Christian church had entrusted to the hands of diocesan bishops, a design was carrying on about this time to break their authority by exempting the religious from their jurisdiction, and, where it could be done, taking it from them to raise the monastics to a greater figure in the church.

CHAPTER XI.

AB ANNO 1149 AD ANNUM 1150.

1. The controversy betwixt the seculars and the religious begins in England: the occasion thereof.
2. The religious set up pretensions to free themselves from the authority of bishops. The ancient state of the religious.
3. The religious treated as a part of the laity, and their duties described by the ancients accordingly.
4. The religious treated by the ancient English church as laymen. The profession of their abbots answerable.
5. The form of their professions. The sense of St. Bernard of the attempt to discharge them from their obedience to the bishops.
6. Battle Abbey discharged from its obedience to the bishop of the diocese. The use the monasteries of England made of that example.
7. A dispute betwixt the bishop of Lincoln and the abbot of St. Alban's. The abbot gains a bull from pope Adrian in favour of his monastery.
8. That abbey gains the right of processions. The original and importance of that usage.
9. Ensham in Oxfordshire obtains the procession of the archdeaconry of Oxford. The consequence of this affair.

10. Robert bishop of Lincoln cites the abbot of St. Alban's; despises the bull of pope Adrian. The king makes an agreement betwixt the bishop and abbot.

11. The archdeaconry of St. Alban's erected: the occasion thereof. St. Alban's the first mitred abbey.

12. The mischiefs and confusions occasioned by the exemptions of the religious.

13. The exemptions of the religious owing to the designs of the court of Rome. The reason of the friendship betwixt that court and the religious.

14. The opportunities that court had to oblige the religious. The prodigious increase of monasteries: the reason thereof.

15. The wealth gained by the religious, injurious to the state. The growth of the religious abroad answerable to that in England.

16. The mischiefs occasioned to the monasteries by the papal exemptions.

17. The abbeys of St. Alban's and St. Edmund's, which first gained exemptions, had the first share in the mischiefs thereof.

1. **THE** quarrels and mischief which the controversy betwixt the seculars and regulars occasioned abroad lie out of my way; but what passed at home will deserve the care and inquiry of an English historian. This controversy was begun in England by a dispute betwixt Hilary at this time bishop of Chichester and Walter abbot of Battle Abbey about the right of visitation. That prelate being advanced to the see of Chichester in the room of Siffrid who died about the year 1132¹, in his visitation about the year 1139 he cited the abbot to his diocesan synod, and demanded entertainment from the abbey². The abbot pleaded exemption from the jurisdiction of the bishop by virtue of the charter of their founder king William the First: and this affair being some time after brought before king Stephen, the pretence of the abbot falling in with the interest of the prerogative, the king declared the abbey a

Stephen.

1149.

¹ [This is the date given by Matthew of Westminster, but it is certainly wrong. Seyfrid, or Sigefrid, is mentioned as bishop of Chichester in 1139 in Flor. Wigorn. Continuat., and in 1143 in Chron. Thorne int. X Scriptor. ed. Twysden 1803. According to Chron. Petrob., where he is erroneously styled episcopus *Cestrensis* instead of *Cicestrensis*, he was deposed in 1145, but did not die till 1151, Hilary having been appointed to succeed him in 1146.]

² [Walter de Lucie was elected abbot of Battle in 1139. But Hilary was not bishop of Chichester before 1146, and perhaps was not consecrated before 1148: see Joan. Hagustald. int. X Scriptor. ed. Twysden 276. At any rate the very document, which Inett in the next two notes cites from Spelman, says that the dispute between the bishop and the abbot began in 1148, "cum episcopus jura et dignitates ecclesiæ suæ undique perscrutari cœpisset."]

Stephen. royal chapel, and took it under his own immediate care and
1149. protection ; and this quieted this dispute for a little while³.

Though the bishop of Chichester knew not where to find his remedy, yet he did not acquiesce in the sentence of the king ; nor did the abbot think himself safe therein : therefore that prince was no sooner in his grave but the bishop sent a new summons to call the abbot to his synod, and upon his refusal to appear put the abbey under an interdict. But, that this affair might give no uneasiness to the solemnity designed for the reception and coronation of the new king Henry the Second, who was in Normandy at the death of Stephen in the year 1154, and was shortly after expected at London, Theobald archbishop of Canterbury prevailed upon the bishop of Chichester to relax the sentence against the abbot, and to leave him at liberty to bear a part in the solemnity of the new king's reception and coronation. Which being performed in December, the Lent following a council was called to meet at Westminster, where this matter was again revived : for the abbot applied himself to the king to confirm the charter of king William the First, and the bishop of Chichester opposed it with all his interest ; but after a long struggle and great interest on both sides the charter of the abbey was confirmed by the king⁴.

2. This dispute succeeding in this manner, the religious began every where to find out pretences to exempt themselves from the jurisdiction of their respective bishops ; more especially the ancient abbeys. And this gave occasion to the pretending, or, to speak more properly, to the forging of charters : and the religious took fire, and a general controversy was begun on this subject ; the bishops on the one side alleging that all the religious within their respective dioceses were subject to their jurisdiction, and the religious with an unequalled and invincible obstinacy contending to be exempted from it. This was a new and surprising scene, and such as with which the English church had never before been

³ Concil. Brit. Spelman II, 53, 54, [Wilkins I, 427, 428.]

⁴ Ibid. Spelman 54-58, [Wilkins 428-431. The narrative here printed in the Concilia is imperfect, ending abruptly in the middle of a debate before the king in council at Col-

chester on May 30, 1157. But, so far as it goes, the decision seems likely to be against the bishop. The abbot Walter was brother to Richard de Lucie, a powerful minister of Henry II.]

acquainted. Therefore to set this affair in its true light it will be requisite to look backward, and observe first the original of these institutions and the ancient sense that Christendom had of them, and then the reasons of this sudden change and the springs by which the present controversy was moved. Stephen.
1149.

The persecutions which attended the first ages of the gospel forced some Christians to retire from the world and live in deserts and places most private and unfrequented, in hopes to find the peace and comforts in deserts and among beasts which were denied them among men. And, this being the case of some very extraordinary persons, their example gave so much reputation to retirement, that the practice was continued when the reason ceased which first began it. And after the empire became Christian instances of this kind became numerous, and those whose security had obliged them to live separately and apart were united into societies; and St. Basil in the east, and St. Martin and St. Benedict in the west, formed rules for their better government and conduct: and, whilst they maintained their character, a great deference and regard was paid to them by the Christian church. But the honours done them were kept within their due bounds, and never went so far as to make a breach in the discipline or government of Christ's church, or any way to exclude or shut them out from the care and government of their bishops, to whom not only the apostolic canons¹, but the consent and practice of the universal church, had primarily entrusted all ecclesiastic power.

3. As the religious of the former ages of the church set up no pretence which might make any change herein, so they were by the same ages, and the best men that ever governed the church, treated as the subjects of their care, but in every respect as a part of the laity only; and as such they came from their retirements to attend the devotions, the sermons, and sacraments of their bishops. And St. Augustin and St. Jerome not only speak of them as laymen, but accordingly describe their duties and suit their directions to them¹. And

¹ Can. Apost. 39, [ed. Beverege.] VI, 499, ed. Benedict.; and Hieron.

¹ [See for instance Augustin. De Epist. 58 ad Paulinum, 125 ad Rusticum, ed. Vallars.]

Stephen. this opinion of the religious and the usages founded thereon
 1149. became so general, that by the imperial authority they were in Justinian's time established by the laws of the empire, and by an express constitution the oversight and care of the religious was declared the duty of their proper bishops²: and this their duty was so well known, that it was a received rule of the imperial law, that abbots were to be subject to their bishops, as the monks were to be subject to their abbots³. Gregory the Great, who had been bred a monk and had given rules for their conduct, is so far from exempting them from the authority of their bishops, and much more from trusting them with any ecclesiastic jurisdiction, that he does not allow them a place in the rank of the clergy; but, as he subjects them to the authority and oversight of their proper bishops, so he asserts those institutions inconsistent with the functions of the clergy, and expressly directs that bishops should send priests to officiate in their monasteries⁴. And all this was in effect no more than what had before been established by the council of Chalcedon, which in the fourth canon requires that monks should be subject to their bishops and not intermeddle in the affairs of the church.

4. The ancient English church acted by these rules, and, in the councils of Bacanceld in the year 694¹ and Cloveshoe in the year 747², established the government of the religious upon the same foot which the council of Chalcedon had done before. In short, the canons and usages of the whole ancient church are so full and so plain in this case, that, although the canon law was designed on purpose to break through and to overwhelm the rules by which the first ages of the church had been governed, yet Gratian had the ill fortune to live before the marks thereof were quite defaced; therefore in the col-

² Authent. Collat. I, tit. v, [cc. 1, 8, 10. In c. 1 it is enacted that no monastery may be founded without the concurrence of the bishop: in cc. 8 and 10 bishops are ordered to secure the observance of the respective laws there given.]

³ [Τὰ μοναστήρια τελούσιν ὑπὸ τοὺς ἐπισκόπους τῶν ἐνορίων αὐτῶν· καὶ τοὺς μὲν ἡγουμένους ἐπιβλέπουσιν οἱ ἐπίσκοποι, τοὺς δὲ μοναχοὺς οἱ ἡγούμενοι. Monasteria degunt (seu cen-

sentur) sub episcopis territoriorum suorum; et abbatum quidem curam gerunt episcopi, monachorum vero abbates.] Codic. lib. I, tit. iii, c. 39.

⁴ Gregor. Epist. III, 11, V, 40, III, 18, edd. vett.; [IV, 11, VI, 41, IV, 18, ed. 1705. See also V. 1.]

¹ Concil. Brit. Spelman I, 189, [Wilkins I, 56, 57.]

² Ibid. Spelman I. 244, [Wilkins I, 95,] can. 4, 5, 20.

lection he has published it is a maxim of law, that the oversight and government of monasteries and religious houses do "jure communi," or by common right, appertain to the bishop of the diocese wherein they are erected³. And, when some of the religious of France endeavoured to break through that rule, the canons and usages of the church lay so cross to that attempt, that the council of Poitiers in the year 1100 forbade the abbots the use of the gloves, the sandals, and the ring, as part of the episcopal habit⁴; and forbade the monks to preach and to baptize, because those were a part of the office of the parochial clergy⁵.

Stephen.
1149.

That there might be nothing wanting to perpetuate the marks of that authority which the canons and consent of the whole catholic church had entrusted to the hands of the bishops, the abbots at the time of their benediction did ever make a solemn promise of obedience to the bishop of the diocese, and, during the vacancy of the see, to his cathedral church. At least this was the case in England, of which a part of the form in use in the church of Canterbury during the vacancy (and which, the style only changed, was the same with that to the archbishop) is in being to this day. And, amongst other things relating to the duty of the abbot who was to receive his benediction, this was always a question: "Will you pay canonical obedience in all things to our holy mother the church of Canterbury?" and the answer was, "I will."

5. This promise was followed with a profession in writing, and openly read at the time of his benediction: "I (such a one, naming his Christian name), abbot elect of that church, profess canonical subjection to our holy mother the church of Canterbury and to the vicars or deputies thereof"¹. And

³ Decretal. Gregor. III, xxxvi, c. 3 *De Xenodoch.*, [Gloss. *In quorum diœcesi.* But this gloss also says, "nisi ostendant exemptionem": and another just before says, "nisi aliud in contrarium ostendatur". It must be remarked that the *Decretals* published by pope Gregory IX about 1230 are a different collection from the *Decretum* which Gratian put forth about 1140. See before, II, x, 10, note 1.]

INETT, VOL. II.

⁴ ["Ut nullus abbatum utatur chirothecis, sandaliis, annulo, nisi quibus fuerit per privilegium a Romana ecclesia concessum." Conc. Pictav. an. 1100, can. 6.] Concil. Labbe X, 725, [Mansi XX, 1123.]

⁵ Ibid. [can. 11.]

¹ "Vis sanctæ matri ecclesiæ Dorobernensicanonicam per omnia subjectionem exhibere?" Resp. "Volo." And his profession was answerable: "Ego N. ecclesiæ illius electus

Stephen. this was the usual form, the names only changed: of which
 1149. I shall give but one instance in the profession of Robert, at the time of this controversy abbot of St. Alban's²; which I therefore mention, because this Robert was at this time, and after he had solemnly promised obedience to Robert then bishop of Lincoln, one of the most earnest contenders against the said bishop to whom he had promised obedience, and a fierce opposer of the authority which he had in the most solemn manner promised to obey.

However the later monks might look upon these efforts to disengage themselves from the authority of their bishops as instances of great zeal and merit, yet, when the court of Rome first set upon this design, St. Bernard, then abbot of Cîteaux³ and one of the greatest honours to that institution, exclaimed against this practice in terms full of warmth, and with great sharpness blamed that court for it. And, as in three distinct epistles of that great man to pope Innocent the Second he exceedingly blames the court of Rome for lessening the authority of bishops by rehearing of what they had determined in their dioceses, reversing what they had justly ordered, and establishing what they had justly condemned, so he particularly blames that court for supporting the monks against the authority of the archbishop of Triers⁴, and plainly tells him their business was licentiousness and a desire to break the discipline of the church⁵. And, because subjecting monasteries to the see of Rome was the chief and the most artful pretence by which they attempted to withdraw their obedience

abbas profiteor sanctæ ecclesiæ Do-
 robernensi ejusque vicariis canoni-
 cam subjectionem." Regist. Cant.
 [Inett did not specify the particular
 register from which he made these
 extracts. The same question and
 answer, with the same form of pro-
 fession, but without any intimation
 that it was to be made during the
 vacancy of the see, were extracted
 by Wharton in his Collections for
 the Anglia Sacra (Lambeth MS. 585,
 p. 387) from a volume compiled in
 1382 by William Wyntershulle chap-
 lain to the abbot of St. Alban's, which
 was then in the possession of Mr.
 Knevet of Norfolk.]

² "Ego Robertus Sancti Albani
 electus abbas tibi (Roberto) Lincol-
 niensi episcopo et successoribus tuis
 canonice introductis promitto de-
 bitam obedientiam."

³ [St. Bernard was a monk, but
 never abbot, of Cîteaux or Cîteaux,
 the famous seat of the Cistercians in
 Burgundy. In 1115, when he was
 about twenty-four years of age, he
 left it at the head of that colony of
 monks which founded the no less
 famous abbey of Clairvaux in Cham-
 pagne, and was abbot there from
 that time till his death in 1153.]

⁴ [Or, Trèves.]

⁵ Bernard. Epist. 178, 179, 180.

from their proper diocesans, in his third book of Consideration St. Bernard takes notice of and shows the absurdity of that pretence, and in terms sufficiently sharp and reproachful condemns it: for, saith he, uniting of religious houses to the holy chair is such a monstrous and unnatural deformity in the church, as it would be in the natural body to unite the finger to the head⁶. Nor does he stop here, but treats this irregular proceeding with the sharpness and reproaches it deserved, and compares it to David's seizing the wife of Uriah and to Ahab's taking away the vineyard of Naboth, and gives the bishop of Rome reason to fear he may succeed in the fate as well as in the guilt of Naboth, and prays that God may not say to him as he did to Naboth, "Hast thou killed, and taken possession?"⁷

Stephen.
1149.

And the right of diocesan bishops was so evident in this particular, that, after the court of Rome began to take the houses and estates of the religious under their protection, there are many exceptions in their bulls in favour of their authority. Thus in the bull of pope Innocent about the year 1137, the second of king Stephen, that prelate takes Christ Church near Aldgate in London into his protection, but left it still subject to the authority of the bishop of London⁸. The like exception appears in the bull of pope Lucius about ten years after⁹. The same appears in a bull of his successor pope Eugenius¹⁰.

6. These few reflections give us a view of the ancient sentiments of the church as to the authority of bishops over monasteries and religious houses within their respective dioceses, and show us what the best men of this age thought of the change the court of Rome was carrying on. And, this being said to set this affair in a true light, we are now to return home to observe the methods that were taking in England to break the authority of diocesan bishops, and to

⁶ ["Monstrum facis, si manui submovens digitum facis pendere de capite, superiorem manui, brachio collateralem. Tale est si in Christi corpore membra aliter locas quam disposuit ipse."] Bernard. de Consid. III, iv, 17.

⁷ Ibid. 15.

⁸ Rymer's Fœdera, I, 7, [ed. 1704;

I, 14, ed. 1816.]

⁹ Ibid. I, 9, [1704; I, 15, 1816. But the bull here cited is one of pope Eugenius III in favour of the same priory.]

¹⁰ Ibid. I, 11, [1704; I, 15, 1816. This is a bull given in 1148 in favour of the priory of Canwell in Staffordshire.]

Stephen. bring the religious to an immediate dependence on the bishops
1149. of Rome.

The success of Battle Abbey having inflamed the ambition of the monastics to set themselves free from the jurisdiction of their bishops, some of them took the quickest way and made themselves charters. And though the English monks were not singular, but had the example of some of the Benedictines abroad to guide them¹, yet for the most part they had the ill luck to have their charters esteemed forgeries², and fell under the misfortunes which commonly attend impostures of this kind: for some produced deeds and charters under seal before the use of deeds or charters or seals were known in England; some of their charters had undeniable marks of time some ages younger than the dates pretended to. In this bottom the monks of Canterbury, York, and Glastonbury embarked themselves. The way being thus prepared, about the year 1152 began the disputes betwixt Theobald archbishop of Canterbury and the monks thereof³, betwixt Robert bishop of Bath and Wells and the monks of Glastonbury, and a third dispute betwixt Robert bishop of Lincoln and the abbey of St. Alban, beside several others which made less noise.

Those who insisted on their ancient charters only had many difficulties in their way and for the most part miscarried: therefore others took a longer and more expensive, but generally a more successful, method, and purchased bulls of exemption from the bishops of Rome. Silvester abbot of St. Augustin's in Canterbury was, if I mistake not, the first who took this way; and he so successfully managed his cause at Rome, that he obliged Theobald archbishop of Canterbury to give him his benediction without the ancient and hitherto uninterrupted custom of professing his obedience⁴. And after a controversy of about twenty or thirty years Richard then archbishop of Canterbury was forced to a composition with

¹ Stillingfleet, Orig. Brit. Ch. I, p. 17.

² Petr. Blesens. Epist. 68.

³ Gervas. Chron. an 1151, int. X Scriptor. ed. Twysden 1370. [Thorne Chron. ann. 1151-1153, ibid. 1810-1814. The dispute was with the monks of St. Augustin's: the monks

of Christ Church took the part of their archbishop. Gervase, the monk of Christ Church, points out critically, and with much zest, the marks of forgery in a document produced by the monks of St. Augustin's in 1181. Ibid. col. 1458.]

⁴ Gervas. ibid. 1370. [Thorne ibid.]

the monks of St. Augustin's, by which he is said to preserve his jurisdiction, but to have renounced his right to the professions of canonical obedience from all the succeeding abbots⁵. How consistent these two things were is not very material to our present business; but it is certain that body of men gave a deal of trouble to all his successors.

Stephen.
1149.

7. The abbot of St. Alban's took the same course, but moved a little slower. He had for some time been disputing the authority of the bishop of Lincoln, but was not sanguine enough to trust to their old charters. But Adrian, not only reputed an Englishman but said to be born at St. Alban's, coming to the papacy in the year 1154, this was thought an opportunity so favourable to the hopes of the convent, that Robert their abbot with their advice went away to Rome; and by good bribes and rich presents, arguments which had never failed at Rome, especially when that court had a prospect of serving itself as well as the suppliant, the abbot gained a bull from pope Adrian to exempt the abbey and their cells and dependents, not only from the jurisdiction of the bishop of Lincoln their proper diocesan, but from all episcopal authority, and to subject them only to the jurisdiction of the bishop of Rome; which, saith M. Paris, a monk of that abbey and the writer of their story, was such a noble privilege as no monastery in England but that of St. Alban enjoyed¹.

He judged truly: for, though some encroachments had been made upon the authority of diocesan bishops, and the archbishops of Canterbury had had a part therein, yet this was the first attempt of this kind with which the English nation had been acquainted. Nor was this the only violence offered to the diocesan authority, but by another bull much of the same date the procession of all that part of Hertford-

⁵ Thorne Chron. an. 1182, *ibid.* 1836. [Archbishop Richard in this composition only renounced his claim to a profession of obedience from Roger the existing abbot. On the death of abbot Roger in 1212 Stephen Langton, who was then archbishop, demanded a profession from his successor, who at once appealed to the pope. The cause lingered at Rome for many years without a decision, till at length in 1237

Edmund of Abingdon, archbishop of Canterbury, made a composition with the abbey, in which among other things he renounced this claim both for himself and for his successors. Thorne *ibid.* 1865-1882. See more concerning archbishop Richard's dispute with the monastery below, xv, 13.]

¹ M. Paris. *Vit. Abbat. S. Alban.* pp. 71, 72, ed. Wats.

Stephen. shire which lay within the diocese of Lincoln was taken from
 1149. the cathedral church of Lincoln, and granted to the abbey of St. Alban²: the importance of which usage will show us the reason which led the way to it.

8. This usage, known in our histories by the name of the Procession, was, if I am not mistaken, an honorary privilege granted to cathedral churches not long after the Norman Conquest, at least to those which had been built by the Normans: this was the case of that of Lincoln. This procession was an acknowledgment, made by the parishes of the diocese, of their relation to and their dependence on the cathedral as the mother church of the whole diocese; and, being performed at Whitsuntide and by way of procession, came in time to receive the name of the Pentecostal or the Procession. And by an account yet remaining in the registry of the bishops of Lincoln it appears that this ceremony was performed in this manner: each parish had a distinct sum charged upon it, which at Whitsuntide was brought to the cathedral church by some of the respective parishes deputed by the whole, who came together headed by the respective archdeacons in the way of procession, and, in the name of those whom they represented, offered at the altar of the cathedral church the sums charged upon their respective parishes¹; which from the time when offered gained the name of Pentecostals, as they did that of the Procession from the manner in which these oblations were brought and offered. And, because the conduct of this affair was charged as a duty upon the archdeacons, when

² Ibid. p. 72, 41-48.

¹ Memorand. Russel. Episc. Lincoln. fol. 36 b. [The register here cited contains a list of parishes and their several payments under the head, "Summa oblationum pentecostalium singularum parochiarum dicti archidiaconatus Oxon. patet per subscripta", immediately following the record of the grant from the dean and chapter of Lincoln mentioned below, § 9, note 1, but gives no account whatever of the mode of payment, whether by deputation, by the archdeacons, or otherwise; and the grant of the chapter merely contains the word "processionem" without

any explanation or description. In the main however Inett's account of the matter seems to be correct: for some of it he appears to have been indebted to Kennett's *Parochial Antiquities* an. 1428, vol. II, pp. 281-287, where several particulars of such processions are related. See also in Du Cange's *Glossary* the articles on "Cruces Bannales", "Pentecostalia", and "Processiones". In Wood's *Antiqq. Oxon.* an. 1296 there is an account of a fatal riot which took place that year at Ensham on occasion of the procession mentioned in the next section of this chapter.]

the usage ceased, the receiving and bringing the said oblations to the mother church was charged upon them; and in some archdeaconries, and in particular in that of Lincoln, it remains a charge upon them to this day, which under the name of Pentecostals is payable to cathedral churches. Stephen.
1149.

I have met with nothing of this kind in the histories of the ancient English church; but it appears from the ninth canon of a Norman council held in the year 1080 to have been a received usage of Normandy and one of the distinguishing rights of cathedrals or mother churches². And the aforesaid grant shows us it was an usage at this time in England, as the ground thereof lets us into the reason which led the monastery of St. Alban to be at a charge to gain it; for thus at once they delivered themselves from the marks of their dependence on the cathedral church of Lincoln, and the abbey appeared as a distinct and independent mother church.

9. If this was not the case of all those abbeys which pass in history under the name of Mitred Abbeys, it is evident that this was the case of that of Ensham in Oxfordshire, which not long after this obtained the procession within the archdeaconry of Oxfordshire and had a certain oblation from each parish therein. And the grant thereof by Robert bishop of Lincoln (whom I take to be the same Robert so often mentioned in the controversy with the abbey of St. Alban) and by the dean and chapter of that church, and the particular sums chargeable on every parish in the county, remain in the registry of that diocese to this day¹; as the original grant from the abbey of St. Alban of the lordship of Tinghurst, on the conclusion of the aforesaid controversy, does in the archives of the dean and chapter of Lincoln. Such was the ambition and vanity of men who at the same time pretended to great humility and holiness.

² Order. Vital. V, p. 552 D, ed. Du Chesne, can. 9; [vol. II, p. 318, ed. Le Prevost, can. 7: Concil. Mansi XX, 556, can. 8.]

¹ Memorand. Russel. Episc. Lincoln. fol. 36 b. [The grant of these oblations within the archdeaconry of Oxford was made to the dean and chapter of Lincoln by bishops Alexander (1123-1147) and Robert de

Chesney (1147-1167), and the chapter granted them to the abbey of Ensham in the time of Adelelmus who was dean of Lincoln during the greater part of Chesney's episcopate. The deed of gift from the dean and chapter to the abbey was exhibited to bishop Russel in 1491, and ordered by him to be recorded in his register.]

Stephen. This matter did not end thus: for these bulls not only
 1149. broke in upon the right of the bishop of Lincoln, but also upon the rights of his cathedral; and the dean and chapter resented it accordingly, though they had little reason to hope for a remedy, when he was to be the judge of the wrong who had been the doer of it. However, the dean and chapter of Lincoln appealed to the court of Rome, and the bishop complained to the king, and for the present their remedy was much alike; for they were forced to sit down, and cast their hopes upon the favours of the court of Rome at the death of pope Adrian. The abbot and convent were no less sensible where their hopes lay; and therefore on the death of Adrian in the year 1159 they immediately posted away to Rome, and got their former privileges confirmed by his successor in that see, Alexander the Third².

10. Robert bishop of Lincoln was not wanting to his duty, and, having engaged the king, the bishops, and nobility on his side, by that interest he prevailed upon pope Alexander to respite the effects of his late grant, till the matter might be inquired into in England, and reported¹. In the mean time, without any regard to the aforesaid bulls, he renewed his citations to the abbot and convent to appear at his visitation. And the report of this matter being committed to the care of the bishops of Chichester and Norwich, who were at this time engaged in disputes upon the same foot, the one with Battle Abbey, the other with that of St. Edmund² in Suffolk, this put the abbey of St. Alban into pain, and gave them reason to fear the issue thereof. And their fears were increased on another account; for the king at the desire of the bishop of Lincoln took cognizance of this affair by his own proper authority, and appointed the bishops of Lichfield, Chichester, and Norwich, and the abbot of Westminster to hear the cause³. But, after all, this dispute came to no issue till the year 1163, when the king in his great council undertook the hearing of it himself⁴. The abbot was steady to the methods in which he had sped so well at Rome, and, beside the presents he scattered in the court, he made a present of one hundred

² M. Paris. *ibid.* p. 74, 49.

¹ *Ibid.* p. 77.

² [See before, II, iii, 7, 8.]

³ [M. Paris. *ibid.* 75, 37.]

⁴ *Ibid.* p. 79.

pound to the king, and promised with the consent of the convent that, in case he would favour the cause of the abbey, they would own him as their founder, and pay all the honours to him that such bodies usually paid to their founders⁵.

Stephen.
1149.

Notwithstanding this and the mighty interest made by the religious, who looked upon this as a leading case upon which their future hopes did in a great measure depend, yet the right of the bishop of Lincoln was so evident, and the interest of the bishops of England so considerable, that, though the king seems to have inclined to the side of the convent, he did not think fit to determine in their favour, but advised the abbot and convent to give the bishop of Lincoln the lordship of Tingham in consideration of the jurisdiction with which he parted, and prevailed upon the bishop and the dean and chapter of Lincoln to accept the equivalent. Thus he compromised this affair March the 3rd, 1163⁶, by which the abbey and fifteen churches thereon depending were exempted from the jurisdiction of the bishop of Lincoln, and the procession contended for was granted to the abbey.

This controversy being thus ended, the joyful abbot returned in triumph to his abbey, and at Easter following with the mitre on his head, the gloves, and sandals, the distinguishing habit of bishops, celebrated mass and went in procession⁷; and twice in the year convened the synods of his new clergy, and in the aforesaid habit appeared at the head of them.

11. To make the marks of his new authority still more visible, and to act up to the bishop as near as it was possible for one who had not the character, a new archdeaconry under the title of archdeaconry of St. Alban's was about this time erected¹, and, as I think, by the present abbot Robert. But, as that archdeaconry had originally no foundation in the cathedral church of Lincoln, so upon the dissolution of the abbey it was not laid to that church, but united to the diocese of London.

This pattern of the monastery of St. Alban led others

⁵ Ibid. p. 77, 56; p. 78, 9.

⁶ Ibid. p. 81.

⁷ Ibid. p. 82, 9-13.

¹ Ibid. p. 79, 18. [The archdeaconry of St. Alban's is here spoken of

by Matthew Paris as existing in the time of Alexander bishop of Lincoln, who died in 1147. Abbot Robert was elected in 1151.]

Stephen. to a suitable zeal for the honour of their several foundations ;
 1149. and, as the procession, the ancient mark of the mother church, was coveted by them, so they contended with an equal passion to gain the episcopal habit for their abbots. And, though the religious had been trained to pretensions to holiness and humility, and were sensible how much their interest depended on the opinion the people had of their sanctity, yet their ambition inspired them with such ardours in the pursuit of pomp and power as were incapable of umbrage or resistance ; and accordingly, in the compass of a few years, our histories afford us many instances of such monasteries as were distinguished by their mitred abbots. But in that of St. Alban, if I mistake not, we have the beginning of our mitred abbeys : for, though it appears by a canon of the council of Poitiers in the year 1100², and by an epistle of St. Bernard to the bishop of Sens³, that there were some earlier instances of this kind abroad, yet, the grant to the abbey of St. Alban being the first instance our history affords of an episcopal power granted to the religious of these kingdoms, it seems very reasonable to conclude that the first use of the mitre by the religious had the same beginning ; and as other religious did in time find the way to rifle their bishops, and take to themselves a part of their jurisdiction, they did at the same time and upon the same ground assume their habit.

12. As for the bishop of Lincoln, he had something that looked like a recompense, and the increase of the revenue made some return to his successors for what they lost by being disseized of a part of their jurisdiction : yet they paid dear for it ; for this and some following instances of this kind gave such a shock to the rights of diocesan bishops, as at once broke through the ancient canons of the church, and opened the way to infinite confusions in succeeding times. Certain it is that the bishops had the advantages of the best antiquity on their side, and for the most part they were just to their duty and authority in opposing the usurpation : yet the success did not answer the justice of their cause, nor the reason and zeal with which they defended it ; but on the contrary

² Concil. Labbe X, 725, [Mansi XX, 1123. See before, § 4, note 4.]

³ Bernard. Epist. 42, [sive De Offic. Episc. ix, 36.]

their authority was every where invaded, there being scarce a diocese in England that, in the compass of an age or two after this time, had not some religious house taken from the care of the diocesan and put under that of the bishop of Rome; and several of them had the exterior jurisdiction within themselves, and some were intrusted with the care and oversight of such of the parochial clergy whose livings were appropriated to them. And this was such a violence to all the ancient canons, and occasioned such a change in the discipline of the English church, that, although this controversy has led me into a long digression, one cannot do right to this subject without carrying the reader a little further, whilst we inquire how it came to pass that the religious were so generally, about this time, successful in their controversies with the secular clergy.

Stephen.
1149.

The late learned bishop of Worcester has well observed, that, "William the Conqueror having given" great "privileges to Battle Abbey, the elder monasteries thought much to be so far behind [them], and therefore made themselves as great privileges" from the pretended favours of the Saxon kings. "From hence", saith the same excellent person, "in the next age arose so many contests about jurisdiction between the bishops and [the] several monasteries"¹. Nor did this stretch of the royal power only open the way to those contests, but in the consequences of it may be supposed to help on the conclusion which ensued: for, this grant of the Conqueror being afterwards confirmed by king Stephen and Henry the Second, there could be no objection against the papal exemptions but such as in the nature and reason and consequences thereof equally turned upon those from the crown; so that by those unwary grants the church was in a great measure deprived of the defence of the royal power.

13. Together with these already mentioned, there fell in great variety of causes which favoured the pretensions of the monastics. The celibacy of the clergy, which the court of Rome had of late so zealously pursued, made it necessary to them to advance and magnify the perfection of that state: and, as this exceedingly raised the reputation of the monastic institutions in the western nations, so it raised in the mo-

¹ Stillingfleet, Orig. Brit. Ch. I, p. 24.

Stephen. nastics the good opinion which they had of themselves, and
1149. then drew them into practices and intrigues to raise their figure, to answer the idea which they had of their own state and rules; but, being shut out from the possibility thereof by the canons and authority of the church, they had no other way to hope to gain their ends but by joining with the court of Rome to raise both it and themselves together on the ruins of the ordinary authority and received laws of the church. On the other hand the secular clergy, having their interest and authority founded in the received laws and discipline of the catholic church, had a great deal to fear from the growing authority of the bishops of Rome, but could possibly hope for nothing by it.

These reflections, as they show us the true ground of the controversy betwixt the bishops and the regulars, as the monastics about this time began to be called, show us also why the court of Rome and the religious were always so steady to the mutual interest of each other. And the circumstances of the age afforded them fitting opportunities to pursue the ends for which they united in their counsels and affections; for, as the interest and reputed sanctity of the religious was the fairest cover to the court of Rome in making use of them to break the established order of the Christian church, so on the other hand that court was thereby enabled effectually to serve the interest of the religious.

14. The holy war being now on foot and entirely under the conduct of that court, they had an opportunity put into their hands to lay upon the religious such obligations as were answerable to the expectance they had from their zeal and friendship: for some men, who had made rash vows of going to the Holy Land and had a mind to break them, were taught to commute with building of monasteries; others, who were going thither, being uncertain of their return to their estates, profusely gave them away to build or to enrich monasteries; others, in memory of the deliverances from the hazards that war had exposed them to, or in commemoration of their relations or friends who perished therein, followed their example; and the opinion of the merit of such benefactions, heightened by the address and arts of the court of Rome, falling in with the prevailing ignorance and superstition

of the age, carried this matter so far, that erecting or giving an estate to a monastery was thought an atonement for every wickedness. Therefore, beside those owing to the charity of good people, and who must be supposed to have their thoughts on the honour of God, vainglory and other indirect considerations so far prevailed, that, as Mezeray well observes, the most wicked affected the title of founders, and, whilst they ruined churches on the one hand, they built monasteries on the other, and made their sacrilegious offerings to God of those things which they had ravished from the poor and needy¹.

Stephen.
1149.

But, to whatever reason the quick growth of those foundations is to be ascribed, thus much is evident, that in the compass of one century beginning at the council of Clermont in the year 1092², when the holy war was agreed upon amongst the western princes, there were more religious houses built in England than ever there had been from the first planting of religion in these kingdoms, and more than three times as many as were in being in England at the time of the Norman Conquest: for, whereas the number of the endowed churches and monasteries at the time of the Conquest are by the worthy and learned author of the *Notitia Monastica* computed at one hundred³, the monasteries, houses of religion, and colleges built within the three reigns of Henry the First, king Stephen, and Henry the Second are by the same judicious writer computed at no less than three hundred⁴; and yet those reigns took up no more than the space of eighty-nine years.

15. The same spirit which gave beginning to these foundations so precipitated and hurried on the zeal to increase them, that before the ninth year of Henry the Third the religious of England had amassed together such prodigious wealth, that the growth of those foundations was become so visible a mischief to the state, that the same men who had helped to increase their wealth in the preceding reign gave their consent to the statute of mortmain to put a stop to it: and the necessity of this law still remained so evident, that, when it

¹ Mezeray, *Hist. France, Eglise du XI Siècle*, following the reign of Phil. I. [Mezeray does not use the phrase "poor and needy", but "people and clergy".]

² [Rather, 1095; as is rightly stated before, II, v, 10.]

³ Tanner, *Notit. Monast. Præfat.* [p. viii, note z, ed. 1787.]

⁴ *Ibid.* [p. v.]

Stephen. began to flag, it was revived and confirmed in the seventh of
1149. Edward the First, successor and son to Henry the Third¹.

Agreeable hereunto was the success of the religious abroad. For the same author observes that in the year 1152 there were no less than five hundred abbeys of the Cistercian order²; and in short so numerous were they grown, that a Norman writer, who gives the same account of the number of the houses of that order, adds further that in a chapter of the order a constitution was made which forbade the building of any more³: and yet that order was founded about the middle of the eleventh century⁴, or according to the account of Baronius about the year 1098⁵, which was but fifty-four years before the year 1152; a short space for so prodigious an increase, and such as is never to be accounted for if we look no further than the charity and piety of the age.

But, if we add to this account of the growth of the religious, and to what has been said before of the indefatigable zeal of the monastics in soliciting their exemptions, the wonderful profuseness with which they threw away their wealth, their ornaments, relics, and sometimes their lands, choosing to impoverish their houses rather than not obtain their ends, we have a just idea of the men and of the reasons of their success, and see at once when and how and by whom the authority of diocesan bishops was forced to give way to that usurpation which like a torrent was every where throughout the west breaking in upon the church about this time.

16. Having led the reader thus far out of his way, I cannot dismiss this subject without laying before him the issue and consequences of those exemptions which the religious about this time were labouring to obtain. However they might gratify their vanity and ambition, their sins returned upon their own heads, and the exemptions they contended for proved the greatest mischiefs which ever befel the English

¹ [Magna Carta, 9 Hen. III, c. 36: Stat. "De Viris Religiosis", 7 Edw. I. The former of these two laws was framed in the very first year of the reign of Henry III; it occurs verbatim in the second of his great charters, which was made in 1217. See Stephen's Commentaries, Book II, Part I, Ch. xiv, Vol. I, p. 431

ed. 2.]

² Tanner, *ibid.*

³ Chron. Norm. an. 1151, int. Hist. Norm. Scriptor. ed. Du Chesne, p. 987 C.

⁴ ["Vergente undecimo sæculo."] Præf. ad Monast. Anglic. [pag. d 2 vers.]

⁵ Baron. Annal. an. 1098, xvii.

monasteries before their dissolution: for, being discharged from the authority of their bishops, the abbots were called to Rome to have their elections confirmed and to receive their benediction; and by a decretal of pope Gregory the Tenth about the year 1252 all exempted abbots were enjoined to come to Rome in person, and their confirmation and benediction charges were such that the expenses of Simon prior of St. Edmund's cost no less than two thousand pound¹. But, though this decretal was made by Gregory the Tenth, the usage was so much older, that M. Paris a monk of St. Alban's saith of John, the twenty-third abbot of that monastery about the year 1235, that he was the first who to his great sorrow underwent the Roman yoke, and the first who began to groan under the new and unheard of oppressions of the Romans².

Stephen.
1149.

17. So justly does the wise providence of God return the follies of men upon their own heads, and take the crafty in their own snare: for the abbey of St. Alban, which first obtained the papal exemption, was the first which smarted under it; and, as the abbots of St. Edmund's appeared very early in that controversy, they were abundantly repaid. And indeed the mischiefs which this particular alone drew upon exempted houses were intolerable; for, beside the certain fatigue and charges of going to Rome upon every election of an abbot, every squabble about the privileges of the monks, the authority of the abbots, and their elections, carried them to the court of Rome, made them slaves to the papal legates, entitled them

¹ ["Symon, abbas S. Edmundi, fuit primus qui curiam Romanam adivit pro confirmatione et benedictione sua ex omnibus abbatibus Angliæ exemptis, curia in duobus milibus marcarum sterlingorum visitata."] Flor. Wigorn. Continuat. MS., [an. 1257 ed. Thorpe. Symon was elected prior after October 23, 1252, and abbot on January 14, 1257.]

² "Primo invitatus et dolens Roman[or]um jugum subiit [servitutis, ut scilicet de triennio in triennium vel per se vel per alium limina adiret apostolorum, sicut in subdola professione ejusdem continetur... Multis exactionibus fatigabatur et expensis, sed] præ omnibus Romanorum

oppressionibus novis et inauditis cœpit molestari." M. Paris. Vit. Abbat. S. Alban. p. 141, 49, 57. [Matthew Paris here says that the triennial visit to Rome was appointed in the Lateran council in 1215 under pope Innocent III. It would seem that this was an interpretation or a development of the twelfth canon of that council, which orders the triennial holding of national or provincial chapters of such abbots and independent priors as had not (like the Cistercians) hitherto had such meetings, but makes no mention of exempt houses; and the phrase "subdola professio", used by the indignant monk, probably alludes to such development.]

Stephen. to a lasting quarrel with their own bishops, and very often ex-
 1149. posed them to the displeasure of the kings of England. And those that sped best groaned under this common misfortune: and whilst those religious which kept within the bounds wherein the discipline of the church had placed them had a quick and easy redress, and in their grievances had justice still at their doors, the exempted were forced to go to Rome to seek for their redress, and their very remedy was itself a punishment, and so heavy a punishment too, that it is very unaccountable how men could be brought into it in a nation which justly valued itself for giving her people an easy access to justice by bringing it home to their doors.

Having pursued this affair beyond the order of time, that this controversy betwixt the seculars and regulars, which made so much noise in this and the succeeding age, might appear in one view, and not be left dark and uncertain by the frequent interruptions which would have occurred if I had taken the particulars as the just order of time would have laid them before us, I must ask the reader's leave to lead him back again, and resume the story where I left it in the latter end of king Stephen's reign.

CHAPTER XII.

AB ANNO 1150 AD ANNUM 1163.

1. The confusions in the state occasion disorders in the church. An agreement between king Stephen and the empress. King Stephen dies.

2. Henry the Second comes to the crown. The difficulties he met with in the affairs of the church. The controversy betwixt the clergy and religious revives.

3. Pope Adrian pretends to give the kingdom of Ireland to Henry: the conditions thereof.

4. The ancient state of the Irish church: the successions of clergy hereditary: the primate and clergy thereof generally married. Malachy made primate of Ireland.

5. That prelate attempts to subject the Irish church to that of Rome; brings palls from thence for Irish metropolitans. Pope Adrian pretends that all Christian islands were subject to the see of Rome.

6. Some reflections on the conduct of king Henry. Becket archdeacon of Canterbury made chancellor.

7. His complaisance in that station. King Henry and the king of France form a design against Spain.

8. Some heretics from Germany come into England. Their opinions condemned at Oxford. Some reflections thereon.

9. A fierce and cruel spirit prevails among Christians: the occasion and mischiefs thereof. A council held at Chichester: the occasion thereof.

10. A schism in the church of Rome. Pope Alexander comes into France. Theobald archbishop of Canterbury dies.

11. A council meets at London. Becket chosen archbishop of Canterbury. His character.

12. A council held at Tours. Becket goes thither; concert measures with pope Alexander for carrying on his designs; said to resign his archbishopric there.

13. The secret of the council of Tours: the designs formed there: the controversies which ensued.

14. Some steps in England in order thereunto. Anselm canonized.

15. Becket falls under the displeasure of the king: the reason thereof.

16. A controversy betwixt the king and the archbishop of Canterbury: the reasons thereof.

17. The concessions of Christian princes to the church. Church affairs and churchmen subject to princes.

18. Laws of the empire relating to the affairs of the church.

19. State of the clergy under the ancient English kings. The authority they exercised in the affairs of the church. Their laws relating thereunto.

20. The supremacy of the kings of England in ecclesiastical affairs. The authority of the late kings of England no other than what had been exercised by the ancient kings.

1. **WHILST** the aforesaid controversy was unhappily carrying on, and great steps were made towards breaking the ancient order and government of the church of England, king Stephen was in no condition to do any thing towards a remedy; and, if the miseries of the state were not so lasting as the disorders which under the advantage of the public confusions broke in upon the church, yet it is certain they were too much of a piece, and the nation was bleeding under the miseries of an intestine war. And in this posture things continued till the death of Eustace eldest son of king Stephen, by cutting off the hopes of that prince to establish the succession to the crown in his own family, abated the resolution which hitherto had made the breach incurable, and opened the way to the accommodation which not long after ensued.

Stephen.
1151.

For queen Matilda, the greatest supporter of her husband

Stephen. king Stephen's cause, dying in May in the year 1153, and
 1153. his son prince Eustace within the same year¹, the king having now no remaining son but William, who was but a youth and no way likely to support the pretensions of the family against the empress and her son Henry now duke of Normandy, turned his thoughts to find out a way to enjoy the crown peaceably during his own life, which he saw little hopes of leaving to his posterity. And Theobald archbishop of Canterbury, Henry bishop of Winchester and brother to the king, together with others of the bishops and nobility, employing their good offices this way, before this year was done a peace was concluded, whereby king Stephen was left in the peaceable possession of the throne during his life, and the succession was adjudged to Henry duke of Normandy. This
 1154. agreement, made the preceding year, being confirmed by the council which met at Oxford in the beginning of this, every thing continued quiet during the short remainders of king Stephen's reign. But he, who had gone through a long scene of war, had but a short time to enjoy the blessings of a peace; for he died on the twenty-fifth of October, and was immediately succeeded by Henry the Second.

Henry II. 2. Henry duke of Normandy, by virtue of the aforesaid agreement, came peaceably to the possession of the crown: but, though he was delivered from the confusions and mischiefs which ever attend intestine wars, and was freed from the fears of a rival, he had work enough to cure the disorders which the late confusions had left behind. However, by his diligence and courage and steady conduct he recovered the lands which had been given from the crown, demolished many of the castles which had been made use of to serve the purposes of the late war, banished some of the mercenary foreigners whom the war had brought into England, and gave new life and vigour to the laws, which for some time past had been forced to yield to those of the sword, and in time brought the affairs of the state into some tolerable order.

¹ [The chroniclers differ concerning the time of the queen's death, but none place it in the same year with the death of her son. It seems

most probable that Matilda died May 2, 1151, and prince Eustace August 10, 1153.]

But the disorders which under the cover of the late con- Henry II.
fusions had broke in upon the church were not so easily 1154.
cured. For the source of those mischiefs was inexhaustible,
and lay abroad and out of his reach ; and the disorders them-
selves took sanctuary under the pretensions to religion ; and
the boldest insults on the monarchy, and on the laws of Eng-
land and the rights of the national church, were called eccle-
siastic liberties and the prerogatives of St. Peter, and so
artfully covered under those sacred names, that they not
only maintained their ground, but the greatest difficulty
which attended his reign was to make head against them :
and it was more than odds he had been overwhelmed and
perished in the attempt ; but, after all the opposition he was
able to make, he was at last forced to compound, and give
up some of the most necessary rights of the monarchy to
keep his crown upon his head.

One of the first things which exercised the patience of this
prince was the controversy begun in the preceding reign by
the ambition of the monastics to set themselves at liberty
from the authority of their bishops : but, having by what is
said before anticipated this part of our history, I shall rather
refer the reader thither¹, than attempt his patience with
repeating it again. But I must not omit to observe that,
about the same time that this prince came to the crown,
Nicholas, an Englishman and said to be born at St. Alban's,
came to the papacy, and took upon himself the name of
Adrian ; a prelate whose memory ought never to be forgotten
by the English church and nation. His predecessors had
set up a claim to an universal pastorship, and broached the
doctrine of deposing kings and giving away kingdoms ; but
hitherto theory and speculation were in a manner all the
advances these doctrines had made in the world.

3. The power of thrusting into the affairs of national
churches by their legates, and in some cases bringing them
to Rome by appeals, had made too much progress in the
western churches ; but still this was but a temporal and oc-
casional superseding the authority of provincial and diocesan
bishops, and, when the instance was over, their authority re-
curred and became what it was before. But the exemption

¹ [See the preceding chapter.]

Henry II. which pope Adrian granted to the abbey of St. Alban, by
 1155. which he for ever discharged that house and the churches dependent thereon from all ecclesiastical authority but that of the bishop of Rome¹, was a direct and total alienation of the inherent right of the diocesan bishops, and, so far as the instance reached, a total deprivation of our bishops of that authority which the best ages had thought inseparable from the character and function of a bishop. This was such a violence to the whole order of bishops as carried the injustice to the whole Christian church; and the wrong to the province and to the national church bore proportion to the rights which the consent and canons of the catholic church had given them in the government of their proper members.

But the other instance of the exorbitance and presumption of pope Adrian is still more surprising; I mean his pretence to give the kingdom of Ireland to king Henry. This prince, who was at this time not only king of England, but duke of Normandy and Aquitaine and earl of Anjou, and had by much the greatest dominions of any prince that had ever yet sat upon the English throne, yet had not enough to set bounds to his ambition; for about this time he had set his heart upon the conquest of Ireland, and, as it appears by a rescript of pope Adrian, had acquainted that prelate with his design, and not only so, but, in case of his success in that enterprise, had promised a pension of a penny a house to the court of Rome, and to enlarge the borders of the church, and bring that rude and uncultivated people to the truth of the Christian faith, as that prelate expresseth the intentions of the king of England.

4. It is certain that Christianity had for many ages before been planted in Ireland, that they had at this time a formed and settled church, and under a government of their proper bishops and metropolitans, and, for aught appears to the contrary, were no less orthodox in their faith than regular in their discipline and government; and, which (it may be) was more considered at Rome, Ireland had lately received a legate, and their four metropolitans had received palls from thence¹:

¹ (on § 3.) [See before, II, xi, 7.]

¹ (on § 4.) Bernard. Vit. Malach.

[xv, xvi. St. Bernard here relates that Malachy, after retiring from the see

of Armagh to the bishopric of Down, went to Rome in 1139 to solicit from pope Innocent II the honour of a pall for Armagh and another see in

and therefore one shall be at a loss to know what was meant by enlarging the bounds of the church and bringing that nation to the truth of the faith, if the life of Malachy late primate of Ireland, wrote by St. Bernard, will not explain those dark expressions to us. Henry II. 1155.

It appears by the account that St. Bernard there gives of the present state of Ireland, for so I must call it, that Malachy late primate of Ireland was advanced to the primacy about the year 1132, and died about the year 1148: and the writer of his life, St. Bernard, died the same year in which the present pope Adrian came to the papacy², and not long after he had wrote the life of the aforesaid prelate. Now in that life St. Bernard tells us, that the predecessors of the primate Malachy had been married men, and that the sons had for fifteen generations succeeded their fathers in that station³, and for that reason Malachy, who had been bred a monk of the Cistercian order⁴, and was at that time bishop of Down and Connor, was upon the death of Celsus the last primate opposed by Mauritius a descendant from the family of the former primates, and was with great difficulty advanced to that dignity⁵. And, as it appears that Celsus and eight preceding primates had been married men, it appears also that the case of the lower clergy was the same⁶; and that, although the church of Ireland had for some ages had four metropolitans, viz. Armagh, Dublin, Tuam, and Cashel, yet not one of them

Ireland, and that he returned to Ireland as the pope's legate, but without having obtained the palls. Nine years afterwards, in 1148, he set out again for Rome to urge the same request on pope Eugenius III, but died at Clairvaux on his way. Ibid. xxx, xxxi. In 1152 Eugenius sent over four palls by his legate cardinal Paparo. See before, II, iv, 10, note 2.]

² [St. Bernard died August 20, 1153. Pope Eugenius III died in July of the same year, and was immediately succeeded by Anastasius IV; who however died within eighteen months, and then Adrian IV was elected pope December 3, 1154.]

VOL. II.

³ Bernard. *ibid.* x, 19.

⁴ [Malachy was not "bred a monk of the Cistercian order"; indeed he was not, properly speaking, a monk at all. On his way back from Rome he left four of his companions at Clairvaux, and afterwards sent others there, to learn the Cistercian rule under Bernard, and then to bring it to Ireland. Ibid. ii, and xvi, 39.]

⁵ Ibid. x, 20, 21.

⁶ Ibid. [x, 19. It does not appear that Celsus was married. On the contrary he is described as wishing to have Malachy for his successor, in the hope that he would be able to stop this system of succession. Ibid. 20.]

Henry II. had ever received a pall from Rome⁷; and that, although from
 1155. the very foundation of the church of Armagh, the bishops
 whereof were the primates of Ireland, those bishops had
 never received a pall, yet they performed all the offices of
 primates and metropolitans without it, and consequently had
 never had any dependence on the bishops of Rome, but were
 yet unacquainted with that plenitude of honour, as St. Ber-
 nard speaks⁸, and much more with the plenitude of the apo-
 stolic power which the court of Rome was now persuading
 the world to believe attended on the pall⁹. In short, where-
 soever the authority of the court of Rome prevailed, for about
 three ages past, they ever imposed the pall upon metropolitans;
 and the receiving thereof was thought so necessary a mark of
 union with the church of Rome, or, as that court pretended,
 of subjection, that, if there was no other argument, the total
 omission of that usage by the church of Ireland is an argu-
 ment past all contradiction, that that church was a free and
 independent church on that of Rome when Malachy bishop
 of Down and Connor came to the primacy of Ireland, which
 was about the year 1132¹⁰.

5. Malachy being thus advanced, he made a journey to
 Rome, and procured and carried back palls for the four arch-
 bishops of Ireland¹, and did his part towards the vassalage
 and subjection of that church to the bishops of Rome: yet
 it is reasonable to think they knew their rights too well,
 and were too tenacious of their ancient customs, to come
 heartily into his measures. If we add to this the zeal with
 which the court of Rome was labouring to subject the western
 churches to the authority of the bishops thereof, and what
 notions of the necessity of that subjection Gregory the Seventh
 had broached, and the emissaries of that court were very busy
 in advancing, we have a just idea of what pope Adrian meant
 by bringing the church of Ireland to the truth of the faith and

⁷ Ibid. [xv, 33, xvi, 38. One other metropolitan see in Ireland, besides Armagh, is here spoken of, but its name is not given. Probably it was Cashel.]

⁸ Ibid. [x, 19, xv, 33.]

⁹ [See before, I, xi, 2.]

¹⁰ [In 1134 according to Annal. IV Magistr., where see O'Connor's note. Dr. Cotton in his *Fasti Eccles. Hibern.* follows the *Four Masters*.]

¹ Bernard. *ibid.* [See § 4, note 1.]

enlarging the church, and (it may be) we have the true ground of that astonishing grant he pretended to make to the king of England. Henry II. 1155.

However this matter be, king Henry having signified to pope Adrian his design upon Ireland, and the advantages which from the success thereof might accrue to the church of Rome, that court, which never wanted generosity enough to give away that with which they had nothing to do, was in a singular and uncommon manner obliging to the king: for, pope Adrian having first told that prince that not only Ireland but all islands which had received the Christian faith did undoubtedly belong to St. Peter and the holy Roman church, and that the king knew this very well, he ratifies and approves the king's design of going to Ireland for enlarging the bounds of the church, the increase of the Christian religion, promoting virtue and suppressing vice, and upon these grounds approves his pious and laudable design to reduce Ireland to his obedience, but still reserving to St. Peter an annual pension of a penny a house².

The court of Rome, which had for some time been talking of their power to set up and pluck down nations, began now to put it into practice, and acted as if they believed the wild extravagance of which all the rest of the world were ashamed, and which all Christendom ought to detest and abhor: therefore we are not to wonder, if we see them covering the ambition and consecrating the injustice of a prince, by which they hoped to be gainers. But it is very astonishing to see a prince acting upon a title that in the consequence of it must impeach and render his own precarious, and giving countenance to a doctrine which might have returned upon his own head, as it did afterwards upon his son king John, who both practised and felt the mischief of this wicked doctrine. And, as by virtue of a bull of pope Adrian he pretended a right to be lord of Ireland³, so he was by another bull of pope

² Hadr. IV Epist. 1, Concil. Labbe X, 1143, [Mansi XXI, 788. M. Paris. an. 1155.]

³ [The title of "dominus Hiberniæ", which was first used by king John from the grant of dominion made to him by his father in 1177, and which was continued by all his

successors on the English throne until Henry VIII in the latter part of his reign got it changed to the title of "king of Ireland", seems to have been taken from the rescript of Adrian IV cited in the last note.]

Henry II. Innocent the Third deprived of the kingdom of England, and
 1155. forced to pay an acknowledgment for them both⁴: and (which is more) it was but a few years before the same spirit, which now gave life and colour to his ambition, gave a great deal of mortification to king Henry himself⁵. Such are the mischiefs which princes draw upon themselves, when they leave the ways of justice to serve their own ambition.

6. This address of the king was remembered, when the reason which led him to it was quite forgotten. And such was the monstrous opinion which the court of Rome had of late conceived of the rights and powers of the papacy, that the grossest flatteries and artifices of princes still made new arguments on the side of their vanity, and the most fulsome flatteries easily passed at Rome as acknowledgments of their just rights; and, as these supported their new maxims, so they rendered their conduct answerable, haughty and insolent beyond all example and support. And this very prelate pope Adrian has left the world an original of this kind: for, about the same time that he wrote in this haughty manner to the king of England, in another epistle to Frederic emperor of Germany he charges that prince with insolence for presuming to place his own name before his, and speaks of this as a great wrong and indignity to the papacy¹. And indeed this was the common effect of that deference which the designs of princes led them to pay to the papacy; it some time or other returned home to their own disadvantage, and generally ended in vexation and dishonour.

1157. However, for the present the king reaped the advantage of his own counsels, and after some time brought Ireland to submit to his authority²; and the cloud, which afterwards broke upon him, at the present stood at a distance. Theobald at this time archbishop of Canterbury had smarted under the usurpation of the court of Rome, and had too much precaution and wisdom to run into those hot counsels which in his successor's time set the church and nation into a flame: but he had the misfortune to recommend a person to the favour

⁴ [See below, xxii, 4.]

⁵ [This refers to the struggle with Becket related below, xii, 12—xiv, 10. See in particular a reply made to the king by the pope's legates

Gratian and Vivian in xiv, 1.]

¹ Hadr. IV Epist. 6, Concil. Labbe X, 1149, [Mansi XXI, 796.]

² [Not before the year 1171. See below, xiv, 7.]

and counsels of the king, which in time broke his peace and gave him a great deal of trouble; and this was Thomas Becket at this time archdeacon of Canterbury. He had been employed by the archbishop in the disputes which he had had with the bishop of Winchester, and by his conduct and address at the court of Rome had been instrumental in taking the legatine power out of the hands of the bishop of Winchester, and putting it into the hands of Theobald; and by services of this kind he so recommended himself to Theobald, that by his interest he was about this time made lord chancellor of England. Henry. II.
1157.

7. Whilst he was in that station, he showed so little of the stiffness of the monastic spirit, that he was complaisant to a fault, and, so long as he continued lord chancellor, acted as if he had forgot the character which he supported in the church, and was so different from what he afterwards appeared to be, that, if daily experience did not teach one that tempers which want balance have seldom any bounds, one would be surprised to find such extremes in the same man. However, at the present he acquitted himself so well as a minister of state, that excepting the dispute set on foot by the monastics, which caused the great meeting at Chichester this year, and which passeth under the title of the Council of Chichester, and has before been mentioned¹, the affairs of the king went on so quietly, that he was at leisure to turn his arms against the Welch and the Scots, and to break the designs which his brother Geoffrey had formed to seize the dukedom of Normandy.

By an epistle of pope Adrian to Lewis king of France² to prevent the effects thereof, it seems probable that king Henry and king Lewis had formed a design to carry their arms into Spain, and, most likely, not so much to drive the Saracens out of that kingdom, as to serve themselves on the confusions in which that country was involved: and, though he had hitherto resisted all the artifices of the court of Rome to engage him in the expeditions to the east which pass by the name of the holy war, yet he seems to have imbibed

¹ [The "meeting" was at Colchester. See before, II, xi, 1, note 4.] ² Hadr. IV Epist. 23, Concil. Labbe X, 1159, [Mansi XXI, 810.]

Henry II. something of that spirit which the expeditions against the
 1157. Saracens who had invaded Spain, together with those to Palestine, did about this time diffuse through the western nations; by which I mean that fierceness and violence in matters of religion which permitted men to shed blood and depopulate nations under the colour of serving the interest of Christ and his church.

8. About this time¹ the king led the way to that inhuman treatment of men for matters of religion, which in time became a great reproach to the gentleness and humanity of the English nation. The occasion, as our historians relate this affair, stands thus. About thirty heretics out of Germany coming into England, the king having notice thereof called a council to meet at Oxford: these people being brought before the council were examined by the bishops, and all of them appeared very ignorant and illiterate but one Gerard, who was their leader and their teacher, and who in the name of the rest answered that they were Christians and believed the doctrine of the apostles; but being examined about the sacraments of Baptism and the Lord's Supper and about marriage, our writers say, they answered perversely, and showed great contempt of those holy institutions². The turn and manner with which our historians speak of what they did about this time call heresy is usually so dark, and very often so tinctured by the prevailing usages and opinions of the age, that one can make no true judgment of things of this kind by the accounts which they usually give of them: on the contrary their representations of the opinions of Wickliff, and of those that are remembered in all our histories by the name of Lollards, are oftentimes so very false, that one needs to be very cautious how one judgeth of the opinions of men by the accounts which those writers give of them. But it will be fit to observe, that the persons whom our historians style Germans Monsieur Du Pin calls by the

¹ [Wilkins, in Concil. I, 438, following Matthæw Paris, places this occurrence in the year 1166.]

² Chron. [Walt. de Hemingburgh, vulgo] Hemingford II, vii, p. 494 coll. Gale, [vol. I, p. 88, ed. Hamil-

ton. The earliest narrator of this case in detail is Gul. Neubrig. II, 13, and he says the persons were thought to belong to the class of heretics called Publicani, concerning whom see below, xv, 18, note 1.]

name of Vaudois³, and that Mezeray saith of the Vaudois of Henry II. this age, that their opinions were almost the same with the 1157. Calvinists⁴. If this was the case, one who considers the persecutions set on foot about this time for the extirpation of that people⁵, and will also think fit to remember how lately⁶ their posterity were driven out of their country by the same persecuting spirit, may possibly at once have a view of their opinions and of the reasons which brought them into England about this time.

But, whatever the true sentiments of these strangers were, the council having turned them over to the secular power, the king first caused them to be branded in the foreheads and then publicly whipped out of Oxford, and forbade all his subjects to relieve them, so that in a little time these poor wretches all perished in a very miserable manner. But, whatever their opinions were, their enemies agree that they behaved themselves with great calmness and temper, and in the midst of their sufferings blessed God who had called them to suffer for righteousness' sake. And when they were led to receive the effects of their sentence, they went singing, "Blessed are ye when men shall hate you and persecute you for my name's sake"⁷; a conduct and deportment very worthy of a good cause, and such as would incline one to think favourably of their doctrine, at least that it was not such as it has been commonly represented to posterity. These are, as I think, the first instances of men who suffered death for religion in England since the first planting of Christianity amongst the English; and this way of treating men in matters of religion was probably the effect of that unhappy spirit which the war at this time on foot (as was pretended) for the cause of religion seems to have let in upon the western church⁸.

³ Du Pin, Eccles. Hist. Cent. XII, Chronol. an. 1160.

⁴ Mezeray, Hist. France, an. 1163. [Both Du Pin and Mezeray, like many other writers, and like Inett himself in the next sentence, seem to have confounded the Vaudois with the Albigeois or Albigenses, or with some branch of them. At any rate they are not Calvinists now. See Gilly's Narrative of an Excursion to the Mountains of Piemont

and Researches among the Vaudois or Waldenses, Ch. IV.]

⁵ [Inett seems to refer to the decree made against the Albigenses in the Lateran council of 1179, and to the crusade against them which began about thirty years afterwards. See below, xv, 17, xxi, 4.]

⁶ [In 1686. See Gilly's Narrative, Ch. III.]

⁷ [Luke VI, 22; Matth. V, 11.]

⁸ [It is satisfactory to observe that

Henry II. 9. For, if men can so far forget the gentleness of the
 1157. gospel, as to persuade others that infidels might be baptized in their own blood, that they might depart from the precepts of our Lord to possess themselves of his sepulchre, and that it was the duty of Christians to leave their proper stations, to spoil their country and ruin their families, to engage in what was called the holy war; that princes ought to oppress and leave their people, and bishops to abandon all the offices of their holy function, to lead armies for the recovery of a country which God in his wise providence, and probably for the sins of Christians, had thought fit to give up to infidels; it is no wonder if the same spirit lead men to put the like value on their rites, their usages, and opinions, and to propagate them in the same bloody and unchristian manner, and (which is sadder still) to prefer them to the common interest of the gospel: at least thus much is certain, that the council of Avignon, held under Hugh Raymond bishop of Riez and Milo legates of pope Innocent the Third in the year 1209, did in the second canon distinguish in favour of the common enemies of Christ, and, whilst it required that the Jews should be put out of all manner of offices, expressly commanded the extirpation of heretics.

But, whatever occasioned it, it is too evident that the same men who took the cross to fight against infidels were the actors of those cruelties which fell upon their fellow Christians; and the terrible slaughters which they made in the Albigeois and in the country of the earl of Toulouse in the beginning of the next century¹, and not long after at Constantinople², and all upon the foot of religion, would incline

the king did not continue in this persecuting spirit. Hoveden tells us, with evident dissatisfaction, that, while the heretics called Publicans were being sent to the stake throughout the kingdom of France, Henry would on no account allow them to be burnt in any place under his dominion, although the sect was very numerous within his territories. Hoved. Annal. fol. 352 b, 28. Many of the chief ecclesiastics also were still free from it. For instance in 1189, when a Jew had frankly owned that he had only accepted

baptism in order to save his life during the massacre which occurred at the coronation feast of Richard I, and that he was not really a Christian, Baldwin archbishop of Canterbury, being asked by the king what ought to be done with him, saved the poor man from further trouble by mercifully replying in feudal language, "Si ipse homo Dei esse non vult, sit homo diaboli." Benedict. Petrob. p. 561.]

¹ [See below, xxi, 4.]

² [The second siege and storming of Constantinople in 1204 preceded

one to think that the same men who set those expeditions on foot did about the same time and for the same ends give beginning to the principles which led the English nation to the cruelties aforesaid. Henry II. 1157.

The council of Chichester³ did not give so quick an end to the disputes betwixt the seculars and regulars as that of Oxford did to the dispute with the German heretics: however, till that great embroil begun by Becket about five or six years after; and which set the whole nation into a flame, did again revive it, that controversy moved on quietly and made no great noise. And, the affairs of the king being in a very good posture, he was at leisure to make his progress in England, and in the year 1159 to go over into France, and set up his pretensions to the earldom of Toulouse. But whilst things went thus quietly in England pope Adrian died, which occasioned a new schism in the church of Rome. 1159.

10. The haughtiness and ambition of pope Adrian were so suitable to the present views of the court of Rome, that it is not easy to determine whether that prelate was inspired from his court or actuated by the ambition of his own nature. But, from whatever principle he moved, it is very evident that his whole conduct was much of a piece. His rescript to king Henry and bold claim to a sovereignty over all Christian islands were dictated by the same spirit which every where appears in his transactions with the empire. And it was easy to foresee that the designs of the court of Rome would not die with pope Adrian: therefore the emperor Frederic, taking the advantage of the present vacancy, employed all his interest in that court to secure such an election as might be consistent with the peace of the empire. On the other hand, the governing part of that court, which was hitherto animated by the spirit of Gregory the Seventh, cast their thoughts another way: and this created such difficulties in the election of pope Adrian's successor as ended in a schism; for the court party chose cardinal Roland late chancellor of the church of St. Peter in Rome, who took the name of Alexander the Third, whilst the imperial faction

by five years the operations of the crusade against the Albigenses. See below, xx, 2, xxi, 4.]

³ [See before, § 7 in this chapter, note 1.]

Henry II. chose cardinal Octavian, who took upon him the name of
 1159. Victor the Fourth.

The warmth of the several parties was much alike, and with equal assurance they mutually pretended to the right of election. The kings of England and France acknowledged the title of Alexander, whilst the emperor favoured Victor, and gave such uneasiness to pope Alexander, as obliged him to run the hazard of a voyage by sea to get into France; where we must leave him, till we meet him at the council of Tours, about three years after his advancement to the papacy, concerting measures with Becket then archbishop of Canterbury, for which the king of England had no reason to thank him.

The public business detaining the king in Normandy, Theobald archbishop of Canterbury had the greatest hand in all the affairs of the English church; and by his wisdom and good conduct things went on so smoothly, that, except the common changes which death is ever making, the three or four last years of that prelate's government afford nothing but the building of monasteries, the increase of the religious, and such other occurrences as the historian of the state is
 1161. chiefly concerned to account for. But, after that prelate had filled that chair for two-and-twenty years, he died about the middle of April in the beginning of this year, and by his death made way for a successor of a very different temper. The king was in Normandy at the time of Theobald's death, and was attended by Thomas archdeacon of Canterbury, whose services there were so necessary to him, that, whatever thoughts he might have of his succession, that chair was not filled till the year following.

1162. 11. The king having determined to put that important trust into the hands of his present chancellor, in order thereunto he sent him into England, where, by the appointment of Henry the father, his son Henry, lately crowned king of England¹, summoned a council to meet at London; and, the prior and some of the monks of Canterbury being commanded

¹ [Prince Henry was born in February or March 1155, so that he was now in his eighth year. He was not crowned until June 14,
 1170. Chron. Gervas. and M. Paris. an. 1155: Hoved. Annal. and Chron. Gervas. an. 1170. See also below, xiv, 3.]

to attend that assembly, the said prior and monks, with the concurrence of the bishops of the province, elected Thomas Becket, provost of Beverley, archdeacon of Canterbury, and lord chancellor of England, archbishop. To fit him for that great station he was ordained priest on Trinity Sunday this year, and in the beginning of June following was consecrated bishop², by Henry bishop of Winchester, assisted by several other bishops of the province. Henry II. 1162.

This prelate was the son of a merchant, and born in London, and is said to be the first Englishman advanced to the see of Canterbury since the Norman Conquest³. He was at this time the great favourite and minister of Henry the Second, and at his desire chosen archbishop; and as chancellor had acquitted himself so much to the satisfaction of the king and the court, that from his great complaisance and address in that post the king had formed a mighty expectance, and promised himself a freedom from the disputes and broils which the stiffness of Anselm and some other of this prelate's predecessors had drawn upon the kingdom. But the king too soon saw himself deceived, and the ground of his hopes turned back upon him: for no sooner did that prelate change his character but his air and address became

² [He was ordained priest "*Sabbato octavarum Pentecostes*", on Saturday after Whitsunday, and consecrated the next day, "*Dominica octavarum Pentecostes*", which in 1162 was June 3. Chron. Gerwas. int. X Scriptor. ed. Twysden 1382, 1383. The chronicler adds that the new archbishop appointed the Sunday after Whitsunday to be annually observed as the chief festival of the Holy Trinity. In Decretal. Gregor. II, ix, 2, attributed to pope Alexander III himself, but really a decretal of Alexander II, who was pope a century earlier 1061-1073, it is stated that at that time separate churches followed their own usage in regard to that festival, some keeping it on the Sunday after Pentecost, others on the Sunday before Advent, while the church of Rome had as yet no special day for its observance. In accordance with this we find the council of Arles an.

1260 decreeing the celebration on the Sunday after Whitsunday in that province. At length pope John XXII, 1316-1334, ordered that the festival should be every where kept on that day; but the Sundays before Advent are still reckoned and called in the Roman ecclesiastical calendar as "*after Pentecost*", not as "*after Trinity*". Martene de Antiq. Eccl. Discipl. in Div. Celebr. Offic. cap. xxviii, § 22. Benedict. XIV de Festis Domini, I, xii, Opp. tom. IX, pp. 135-137 ed. 1767.]

³ [Thomas Becket was himself a native of London, but his surname may be far more easily traced to a Norman, than to a Saxon or Danish, origin; and one of his biographers, who says he was present at his murder, writes the name "*Becchet*", and states that the archbishop's father was a native of Rouen and his mother of Caen. Vit. S. Thom. Cantuar. ed. Giles, vol. II, p. 73.]

Henry II. new too, and his conversation and conduct had a turn so different from what they appeared before, as too plainly showed the king he had misplaced his hopes and favours, and that there wanted nothing but opportunity and instructions from the court of Rome to render this prelate the fittest instrument to consummate that usurpation which was already become insupportable to the church and kingdom; and the trusts which he had passed through served only to increase and give still greater reason for the suspicion and fears of the king. However, things passed quietly the first year.

1162. 1163. 12. Pope Alexander the Third, as has been said before, finding himself very uneasy at Rome, and by the power of the emperor Frederic, who had espoused the interest of his rival pope Victor the Fourth, so shut up in Italy that he could not without great difficulty keep up a correspondence with France, England, or Spain, and having for that reason ground to suspect that the emperor might bring those nations over to his adversary, at least make such impressions as might be to his disadvantage; he left Rome, and sailed to France, and, the better to concert measures with the clergy of France and England, called a council, which met at Tours in France about Whitsuntide this year.

This put so colourable an opportunity into the hands of the new archbishop of Canterbury to concert measures for the carrying on what his after conduct gives one reason to think he had before projected, that he could not overlook it: therefore he applied himself to the king, and, having obtained his leave, he, accompanied by Roger archbishop of York and the bishop of Durham¹, went over into France. Pope Alexander received the archbishop of Canterbury with all the marks of honour and esteem²; and in return, if we may rely on the authority of Neubrigensis, he secretly resigned his archbishopric, because, as that author saith, he had received his investiture from the hands of the king, and then took it back again from the hands of the pope³.

¹ [All the English bishops went to the council of Tours except three who were prevented by illness. R. Dicet. Ymag. Hist. an. 1163 int. X Scriptor. ed. Twysden 535.]

² Baron. Annal. an. 1163, ii.

³ Gul. Neubrig. II, 16. [Newburgh does not use the term "investiture". He says the archbishop, from scruples of conscience, resigned into the

Baronius agrees that he resigned his bishopric to pope Henry II. Alexander, but fixeth the resignation after the council of 1163. Clarendon when that prelate fled into France, and saith the reason of this resignation was, for that his conscience was troubled, because he chiefly owed his election to the archbishopric to the favour of the king³. And herein Baronius follows the writers of his life; and, if he be not mistaken in the time he fixeth for this affair, it is very probable he is not mistaken in the reason and true ground thereof; for, beside the many papal canons which had been made upon that subject, king Henry the First did in the year 1107 give up his right to the investiture of bishops, and it does not appear that this usage was resumed either by king Stephen or by the present king. But it is very evident that the court of Rome began about this time to be very impatient of allowing princes any share in the election of bishops; and the archbishop's pretence of being troubled in conscience for being advanced by the interest and recommendation of the king was at this time the highest and most acceptable strain of courtship that could be made to the court of Rome, which began every where to pretend to be supreme patrons as well as ordinaries of the church, and in order thereunto pretended to a mighty zeal for asserting the rights of capitular elections.

13. Beside what was publicly owned and transacted at the council of Tours, it seems very probable that a design was there formed to make the clergy of the western churches, as far as it was possible, a body separate and independent on the civil powers, and that measures were concerted and agreed upon in order thereunto: at least thus much is evident, that he who preached the sermon at the opening of that council, and which is inserted in the history of Baronius, saith that the unity of the church, then engaged in a schism, and the liberties of the clergy were the business of that assembly¹; and he presseth both with such equal passion and warmth, that it is not easy to determine which of the two that orator

hands of the pope his "*pontificatum, minus sincere et canonice, id est, per operam manumque regiam, susceptum*".]

³ Baron. Annal. an. 1163, xviii, 9, an. 1164, xxxix. [Inett himself re-

cords Becket's resignation after the council of Clarendon. See below, xiii, 9.]

¹ ["*Ad tentandum vobiscum de unitate et libertate ecclesiæ Dei*".] Baron. Annal. an. 1163, iv.

Henry II. was most concerned to recommend to that assembly; for, as
 1163. he tells them that the church had not a being if it was not one, so he tells them that without liberty the church must be miserable, and to be miserable and not to be were much the same; nay, saith he, "it is worse to be miserable than not to be at all"². Such stress was that council taught to put upon the new ecclesiastic liberty.

Accordingly, when the dispute on that subject broke out in England, the archbishop pretended to entitle God to the liberties he contested for, and in the management of that controversy was so entirely governed by the court of Rome, that in his letters to the king and to the bishops of England, written during his exile, he says that his letters were perused and allowed by the bishop of Rome before he sent them³. And the zeal with which that court defended that prelate when alive, and prosecuted his enemies and did honour to his memory when he was dead, makes it still more evident that the affair which about this time gave so much trouble to England was first formed by the counsels and then conducted by the interest of the court of Rome, and in all probability concerted at this interview betwixt the pope and the archbishop. And the commotions which immediately followed the council of Tours still add more weight to the conjecture: for from this time the histories of the western nations are so full of the wrangles and broils occasioned by the pretence to ecclesiastic liberty, that Æmilius saith the controversy on that subject spread itself over the world⁴; but it appears by Baronius that the empire, the kingdoms of Sicily and Hungary, as well as England, were about the same time embroiled by the same controversy⁵.

14. Some steps this way had been made in England about twenty years before: for Alberic bishop of Ostia and legate

² Ibid.

³ Hoved. Annal. fol. 289 [b, 36. The passage here cited is in a letter from the archbishop to the pope, where speaking of the letter or letters ("literæ") which he had written to the king, and which had been unavailing, he says, "quarum transcripta vobis misi".]

⁴ ["Ea in ecclesias a proceribus

suscepta pugna totum orbem terrarum non circumivit modo, sed transgressa est, hinc pontifice Romano, illinc Cantuariensi exagitato." P. Æmil. de Gest. Franc., Vit. Ludov. VII, fol. 110 F ed. 1544, [after an account of violence and outrage committed by two French earls.]

⁵ Baron. Annal. an. 1169, xl, xlix.

of pope Innocent, taking the advantage of the weakness and troubles of king Stephen's reign, by a canon of the council which he held in Winchester in the year 1138 gave the first light into the designs of the court which sent him; and was followed therein by Henry bishop of Winchester and legate of the bishop of Rome at the council held in London in the year 1143 according to Hoveden, the year preceding according to M. Paris, wherein it was decreed that whosoever should lay violent hands upon any clergyman should not be absolved but by the pope himself or in his presence¹. This canon is somewhat different in M. Paris; but the preamble, the reason, and the consequence of this canon are agreed upon. The pretence which gave beginning to it was the mischiefs which the clergy then suffered by the civil war; for the several parties made no difference betwixt them and the laity, but took them prisoners and made them pay for their ransom. But had this matter stopped here the world had received no trouble by it: for the favour allowed the clergy by this canon was little more than what another canon of the same council allowed to those that till the ground, and what the imperial law had generally allowed to merchants and husbandmen in the time of war, and that is, a security of their persons from outrage and violence.

Henry II.
1163.

But this alone was not sufficient to answer the great design to make the clergy of the western churches a body separate and independent on the civil power, which could not be done without delivering them from the authority of their old masters. And the sanctions annexed to the aforesaid canons leave it beyond a doubt that the security of the clergy was not the only thing which the court of Rome had then in view: for by carrying the cognizance of such violences as should be offered to them from the courts of the king of England to the bishop of Rome, and by changing the civil penalty into an ecclesiastic censure, those canons did, in the consequence and effect thereof, declare the clergy of England subjects to the bishops of Rome. And the present conduct of that court was every way answerable: for, though king Henry took such care for the impartial administration of justice that the least wrong

¹ Concil. Brit. Spelman II, 47, [Wilkins I, 421. See before, II, ix, 13, and x, 8, 9.]

Henry II. to the clergy and religious could not escape unpunished, and
 1163. the settled state of his government left no room for their fears, yet this was so far from putting an end to the design to exempt the clergy from the secular power, for which the confusions of the last reign had given some colour, that this impartial administration of justice was the chief support of those pretences which disturbed the government of king Henry.

The better to engage the clergy and religious, they were flattered into a belief of the honour and advantages which would accrue to themselves and to the church by being discharged from the secular power. And by this artifice the design of the court of Rome was so well covered that the clergy generally ran into it; and those of them who meant well out of a principle of zeal were for the most part the forwardest therein. And, the better to raise their zeal and make them sensible of the encouragement they might expect, the archbishop of Canterbury applied himself to pope Alexander for the canonization of the late archbishop Anselm², who had distinguished himself by attempting the rights of the kings of England, and who had given the first blow to their authority; and, as this would raise a glory to surround the head of that prelate, so it would at the same time tell the clergy the example they were to follow, and give new vigours to their zeal by brightening the pattern which was set before them.

15. The forwardness of pope Alexander was answerable to the importance of this design: therefore a bull, which bears date at Tours, for the canonization of Anselm was directed to his successor the new archbishop with assurance that his proceedings therein should be confirmed by the court of Rome¹. And no doubt but the address of that court, which ensnared the body of the clergy, easily possessed the archbishop with an opinion of the great honour which would redound to him by appearing at the head of those who were to assert the ecclesiastic liberty. But, whatever springs the zeal of that prelate

² *Angl. Sacr.* II, 177.

¹ *Ibid.* [No proceedings however seem to have taken place, and the canonization of Anselm was not effected till the close of the fifteenth

century in the reign of Henry VII and the pontificate of Alexander VI. That pope's bull on the subject is printed in *Concil. Britan.* Wilkins III, 641.]

had, he was no sooner returned from the council of Tours Henry II.
1163. but he presently set this pretence into motion; the occasion and circumstances whereof Hoveden and Bromton, both favourers of the pretence and of the conduct of the archbishop, thus relate.

Immediately after the return of the archbishop and his brethren from the council of Tours, a great controversy began betwixt the king and the clergy. The king, saith Bromton, being desirous that justice should be equally and impartially distributed, and having notice given him by his judges that several outrages, thefts, and murders were committed by the clergy², ordered, saith Hoveden, that such of the clergy as should be taken in felony, robbery, murder, or burning of houses, should be carried before the judges, and punished as the laity were, when found guilty of those offences³. On the contrary the archbishop opposed this proceeding, and asserted, that, whatever faults the clergy should be found guilty of, they were only tryable in the ecclesiastical court and before the judges thereof⁴.

The bishops and clergy of the province of Canterbury, in a synodical epistle written to pope Alexander, give much the same account of this affair. The king, say they, seeing the peace of his kingdom much disturbed by the enormous excesses of some of the clergy, and not thinking the degrading of them for murder and other enormous crimes a punishment sufficient to answer the guilt or to preserve the public peace, he caused the laws observed by ecclesiastic persons in the days of his predecessors to be drawn into a body, and appointed that such of the clergy as offended might be punished according to those laws; whereas, say they, on the other side the clergy insisted on their being punishable by the ecclesiastic laws only. And, as the king had the advantage in point of right, having the law and usage of England on his side, he

² Bromt. int. X Scriptor. ed. Twysden 1058, 50.

³ Hoved. Annal. fol. 282 a, 39.

⁴ [The archbishop's claim was far more decidedly opposed to the good order and peace of society than as Inett here represents it. "Dicebat quod si clericus in sacris ordinibus constitutus vel quilibet alius rector

ecclesiæ calumniatus fuerit de aliqua re, per viros ecclesiasticos et in curia ecclesiastica debet judicari, et, si convictus fuerit, ordines suos amittere; et sic alienatus ab officio et beneficio ecclesiastico, si postea forisfecerit, secundum voluntatem regis et bailivorum suorum judicetur." Hoved. *ibid.*]

Henry II. had the advantage also in the management of this controversy ;
1163. for, whilst the address on the other side was fierce and impetuous, and carried on with very indecent reflections, the king, says the same provincial letter, on his side managed this dispute with all possible respect and veneration to the clergy⁵.

16. This, say they, was the cruelty, which has made such a noise in the world ; this the persecution, this the wickedness, which have been so much clamoured against : whereas, says the same synodical epistle, as the king had declared he had no thoughts of lessening the honour of the clergy or the rights of the church, so he has promised, that, if it appear that the aforesaid laws are any way prejudicial to the welfare or good of souls, or dishonourable to the church, he was ready to make such alterations as with the advice of the clergy of his kingdom should be thought fit.

There were some other collateral branches of this dispute, as, whether there lay any appeals from the king's courts, or whether bishops might go out of the kingdom without his leave : but the stress of this controversy was, in short, whether the king had any authority over ecclesiastic persons or in causes ecclesiastical. But, because this affair did not only at this time divide the western churches, but has remained a subject of dispute to after ages, and the honour of the English church and nation, and the justice and authority of the kings of England, have a great share therein ; before I enter upon the relation of this controversy, it may not be amiss to look backward, and to observe the laws and practice of the preceding ages in the particular under question.

17. Religion has so just and undoubted a right to the most profound veneration and regard, that the ministers thereof never did and never can want a due respect but where religion itself wants a due influence and authority on the minds of men ; for the honour of religion, and of those to whose conduct the interest and ministry of holy things are committed, stand upon the same foot, viz. the honour of God, and cannot fail but with the foundation upon which they are built. And, as they flow from the same common fountain, and stand or fall together, so they ever bear proportion to one another.

⁵ Ibid. fol. 293 a.

Therefore the same holy warmth which accompanied the first ages of the gospel did also induce Christian princes to grant great privileges and immunities to the ministers thereof: they were excused from all those personal services which might be burdensome to them, or which might withdraw them from the offices of their holy function, or render them little in the eyes of men¹; and their estates were exempted from many charges and burdens, to which the estates of other men were subject². Nor did the favours to the ministers of Christ stop here, but Christian princes entrusted them with all the power that was necessary to serve the ends of peace and charity and holiness³.

Henry II.
1163.

Yet religion was never thought to strip princes of any of those rights which nature and the ends of government had put into their hands: on the contrary, from the time that the gospel became the religion of the empire, all the concerns and interests thereof were taken under the care of the civil power, and so many laws relating to ecclesiastical persons and causes were made by the imperial authority, that they take up a great deal of room in the body of laws collected by the appointment of the emperor Justinian.

In short, those laws take cognizance of sacred things, persons, and causes. They determine when new churches shall be built and how supported; how the rectors thereof should subsist, and appoint that their maintenance shall be sacred and inalienable⁴; to whom the patronage of churches shall belong, and by what measures that right should be conducted⁵; how the bishop shall demean himself, if an unworthy man shall be presented⁶; what articles of faith should be esteemed catholic; who shall be deemed heretics and how punished, and who shall be esteemed catholics⁷. By the same authority too councils were convened, and the canons

¹ Codic. lib. I, tit. ii, sect. 6. [The Titulus here cited is "De sacrosanctis ecclesiis et de rebus et privilegiis earum", not concerning ecclesiastical persons; and the sixth section of it relates to the provinces of Illyricum only. Probably the law to which Inett meant to refer is Codic. I, iii, 6. See also c. 2 of the same Tit.]

² Codic. I, ii, 5, 7, 11.

³ Ibid. I, iv, 7, 8.

⁴ Novel. 7, Authent. Collat. II, i, præf.

⁵ [Novel. 57, Authent. Collat. V, xii, 2.]

⁶ Novel. 123, Authent. Collat. IX, vi, 18.

⁷ Codic. I, i, 1, 5, 6; [v, 2, 3, 5. Novel. 109, Authent. Collat. VIII, x.]

Henry II. thereof confirmed and published: particularly the imperial
 1163. law determines that the councils of Nice, Ephesus, Chalcedon, and Constantinople, should be received; and that the books written by Porphyry against the Christian religion should be burnt; that Nestorius, Eutyches, Apollinaris, and their followers, should be esteemed heretics⁸.

As the imperial authority thus acted in matters relating to religion and holy things, so it judged of persons too. It determined that every city should have its own bishop, and how far his diocese should extend⁹; how persons should be qualified that were admitted to holy orders¹⁰; how the lower clergy, the monks, the bishops, the metropolitans, the patriarchs, should behave themselves: and, by convening the bishops of the whole Christian church to the eight first general councils by the emperors, the world has one comprehensive and undeniable proof of the authority of princes over all ecclesiastical persons received and owned by the universal church.

18. Ecclesiastical causes were no less the subject of the imperial authority. The laws of the empire direct that synods shall be yearly called, to consider of the matters of faith and discipline; that the judgment and sentences of those assemblies should be conducted by the canons of the church and by the laws of the empire; that the disputes amongst diocesan bishops should be determined by their proper metropolitan and two assessors; if they cannot determine them, then by the archbishop or patriarch¹; that all causes of the clergy should be finally determined in the provinces wherein they arise, and that the clergy should not be called out of the province where they live to any foreign tribunal; and in what manner causes ecclesiastical shall be conducted, to whom the cognizance thereof does in the first instance belong, by what steps appeals shall proceed, and whose sentence shall be final and unappealable².

The same laws direct how a suit betwixt a layman and a

⁸ Codic. I, i, [9.] 3, 5.

⁹ Ibid. I, iii, 35.

¹⁰ Novel. 6, Authent. Collat. I, vi, 1-8, 13.

¹ Novel. 123, Authent. Collat. IX, vi, 10, 22. [But the number of the

metropolitan's assessors is not here determined: he is to sit "cum aliis de sua synodo episcopis".]

² Codic. I, iv, 2, 9. [Novel. 123, Authent. Collat. IX, vi, 21.]

clergyman shall be managed, and in case a layman shall commence a suit in the court of a bishop, and either party does not acquiesce in the sentence thereof, that then the cause may be reheard by the civil judge³; how metropolitans and bishops should be punished, if they neglect to convene their provincial or diocesan synods; how a bishop should be punished, if absent a year from his diocese without the leave of the emperor⁴, or if he excommunicate a person without showing cause⁵; how a deposed bishop should be treated, if he attempt to disturb the public peace⁶.

And (which is still more) the greatest part, and probably every one, of the aforesaid laws were made by the emperors with the advice of their bishops, and without any complaint universally obeyed by the clergy and religious; yet at the time of making those laws the bounds of Christendom and the empire were much the same. So that one who looks backwards to the first Christian emperors and to the greatest and best bishops and clergy that ever served in the Christian church, and finds so many laws on the one side and such dutifulness and obedience on the other, cannot but stand amazed at an attempt to withdraw the clergy and religious from the authority of the civil government, which at this time gave so much trouble to the English church and nation.

19. If one was to run over the laws and histories of Europe after the fall of the empire, the case will appear still the same: but, to judge truly of the present controversy, it will concern us to look at home, and view the practice of our ancient English-Saxon ancestors. Though the assertion of that learned gentleman, who affirms that a third part of the land of England was in possession of the clergy at the time of the Norman Conquest¹, cannot be allowed, yet there is no reason to doubt what that writer and M. Paris before him say of the great tenderness and regard with which they were ever treated under the Saxon government; wherein, the aforesaid learned writer observes, they held their lands “by frank almonage, and subject to no duties or impositions but such as

³ Novel. 123, Authent. Collat. IX, vi, 11.]
vi, 21.

⁴ Novel. 6, Authent. Collat. I, vi, 11.

⁵ [Novel. 123, Authent. Collat. IX,

⁶ Codic. I, iii, 14.

¹ Sir William Temple, Introd. Hist. Engl. pp. 175, 176, ed. 1695.

Henry II. they laid upon themselves in [their] ecclesiastical assem-
 1163. blies”². Whether this be wholly true I shall not inquire :
 but it is certain their lands were excused from many of those
 burdens to which other lands were subject ; that the bishops
 had a great share both in the legislature and administration
 of justice ; they were called to and had places in the great
 council, and, beside the proper authority allowed to them in
 right of their function, they were standing judges in the
 county and hundred courts, and a mighty deference was ever
 paid to their judgment as well in civil as in ecclesiastical
 affairs ³.

Yet, after all, the privileges they enjoyed are so far from
 proving the English clergy and religious a body distinct and
 independent upon the state, that they demonstrate they ever
 were and ever esteemed themselves a part of the body politic,
 and owed a subjection to their princes and obedience to their
 laws. For it was by the authority of their princes that the
 bishops were convened to all state councils, and it was in
 obedience to their laws that they presided and judged in the
 courts of justice, and under these laws it was that the clergy
 of England challenged all the privileges they enjoyed ; and
 all sides acted up to these notions of the rights of the civil
 power.

King Ina published a body of ecclesiastic laws, and therein
 directs the duty of the clergy and religious ⁴. The laws of
 king Alfred are particular and express in directing the punish-
 ment of a clergyman who should be found guilty of murder ⁵.
 And the Dialogue of Egbert archbishop of York shows that
 this had been the usage of England long before the reign of
 that prince, not only in the case of murder, but also of
 adultery and theft ⁶ : he adds too, that the violence of a lay-
 man to the person of a bishop, a presbyter, a deacon, or a
 monk, was punishable by the secular power ⁷. Edgar followed
 the example of Ina and Alfred, and in his laws directs the

² Ibid. [See M. Paris. an. 1070.]

³ Concil. Britan. ed. Spelman, vol. I, Præf. ad Reg. p. 5.

⁴ Concil. Britan. Spelman I, 182, [Wilkins I, 58.]

⁵ Lambard. Ll. Alured. p. 27, § 21, ed. 1644 ; [Thorpe's Ancient

Laws &c. Alfr. 21.]

⁶ Egbert. Dialog. de Eccles. Instit. p. 273, ed. Wharton ; [p. 321, Respons. viii, ed. Thorpe.]

⁷ Ibid. p. 276, Wharton ; [p. 322, Respons. xii, Thorpe.]

affairs of religion⁸, and was so far from thinking that the character of his bishops discharged them from the obligation of his laws, that he commands them to assist in person in the two annual county courts⁹. Nor did that prince only extend his laws to the clergy, but he published a body of canons for the good government of the church, wherein he directs the conduct of the ecclesiastic discipline in almost all the parts and branches thereof¹⁰. Henry II. 1163.

20. King Canutus also has his body of ecclesiastic laws¹. And the gentle laws of Edward the Confessor, which the clergy, and indeed the whole nation, so passionately desired under the Norman government, are no less full and plain in directing the affairs of the church; and in a law of that prince, directing the form of judicial proceedings, he requires that the advocates of the clergy should be first heard in his courts of judicature².

King William the First went on in the same steps, and by his authority first established the ecclesiastical courts³; and was so exactly followed herein by his successors, that, in a synodical epistle of the bishops and clergy of the province of Canterbury to pope Alexander the Third, they tell that prelate that the laws which occasioned the controversy betwixt the king and Thomas at this time archbishop of Canterbury were the ancient laws of the kings of England⁴. So that upon the whole matter the judgment and practice of the western church in general, and of the English church in particular, are so evident, that it is impossible for one who knows any thing of antiquity to make a doubt whether the clergy were anciently subject to the temporal laws of princes, or whether things of ecclesiastical nature were within the cognizance of their courts.

I have led the reader thus far out of the way, partly to give him some idea of the nature and importance of those rights and powers which the kings of England had anciently

⁸ Concil. Britan. Spelman I, 444, I, 299.]

[Wilkins I, 245. Thorpe, Edg. I.]

⁹ Lambard. Ll. Edg. p. 64, § 5; [Thorpe, Edg. II, 5.]

¹⁰ Concil. Britan. Spelman I, 447, [Wilkins I, 225.]

¹ Ibid. Spelman I, 538, [Wilkins

² Lambard. Ll. Edov. p. 138,

§ 4; [Thorpe, Edw. Conf. 3.]

³ Concil. Britan. Spelman II, 14.

[Wilkins I, 368. See before, II, iii, 12.]

⁴ Hoved. Annal. fol. 293 a, 22.

Henry II. enjoyed, and of which king Henry the Second was now in
 1163. possession; partly to do right to the English church and nation by showing how unjustly their enemies place the resolutions and laws of our princes and their great councils, relating to the affairs of the church and clergy, amongst the faults of the Reformation; (but if this be the fault of our government, it is a fault which has the best antiquity for example, and such as the best princes and the wisest nations have gloried in;) and partly to give the reader a just view of that design which was set on foot about this time, to break in upon the authority of the king of England, and to invade the rights of the crown: the manner and circumstances whereof, the steps by which it was advanced, the actors therein, and the purposes which were served by it, the course of our story brings us now to consider.

CHAPTER XIII.

AB ANNO 1163 AD ANNUM 1169.

1. The occasion of the dispute betwixt the king and the archbishop, as related by our historians.

2. The true grounds of that dispute.

3. A general contempt of the civil power by the clergy and religious: the reasons thereof.

4. The maxims of the court of Rome occasion a general controversy. The council of Clarendon convened.

5. The ecclesiastical laws recognised by that council.

6. Becket archbishop of Canterbury promises obedience thereunto; revokes that promise. The king offended thereat. He hopes to obtain a recognition of those laws by pope Alexander; is deceived therein.

7. A council meets at Northampton. The proceedings of that council. Becket archbishop of Canterbury leaves England.

8. The French king espouses the cause of the archbishop of Canterbury. The true grounds of that controversy: the proceedings therein.

9. The king hopes to gain his ends by the court of Rome; is deceived therein. That court stands by Becket; shows him all favour.

10. Pope Alexander and the French king agree in the defence of the archbishop of Canterbury. The king shows his resentment; forbids all communication with the pope and the archbishop of Canterbury.

11. Becket continues in exile. His behaviour therein.

12. His ill usage of the king: his maxims about civil government: he threatens the king; declares the statutes of Clarendon void.

13. He attempts to draw the bishops from their duty to the king. They continue steady; endeavour to do right to the king and his laws. Violent proceedings of the archbishop of Canterbury: his encouragement at Rome.

14. He attempts to excommunicate the king; engages the French king in a war against him. The bishops justify the king's proceedings.

15. The king endeavours to prevent excommunication; desires a legate from Rome to determine the controversy betwixt him and Becket. The court of Rome pretends to favour the king; deceives him.

16. The artful proceedings of that court.

17. The legates attempt to end that controversy; but in vain. The French king attempts it. A meeting on that occasion. The condescension of the king. The obstinacy of the archbishop of Canterbury.

1. **T**O set this matter in such a light as may appear free from the bias and impressions which the concern for the honour of one's country might possibly lead one into, I must again ask the reader's leave to remind him of the occasion of this dispute, as it is related by the writers of archbishop Becket's life, and from them by Baronius. Neubrigensis honestly and bluntly giving an account of this controversy says, that archbishop Becket would not permit a clergyman to suffer according to law, and that this was the occasion of the misunderstanding betwixt him and the king¹. Baronius undertakes to blame that writer for this account, and from the writers of the archbishop's life gives us a relation of that matter somewhat different².

Henry II.
1163.

The archbishop, saith he, being returned from the council of Tours, was received very kindly by the king; but afterward fell under his displeasure, for applying himself to recover something which his predecessors had lost from his see, and endeavouring to prevail with the king to fill up some bishoprics then void; for laying down his chancellorship, and denying the right of the crown to raise money on the clergy; for sending away a priest to a monastery, who was convicted of murder and degraded, that he might not be punished by the secular arm; and, when Philip a canon was convicted of the same crime, for sending him away, though the king had commanded he should be punished according to law; the archbishop denying that these or any other clergyman was punishable in any other manner than by the censures of the

¹ Gul. Neubrig. II, 16.

² Baron. Annal. an. 1163, xviii, 9.

Henry II. church³. This is the account which Baronius, from the
1163. aforesaid writers, gives of the controversy which lies now
before us.

The king, adds the same learned writer, apprehending that such proceedings might increase the wickedness of the clergy, did very earnestly desire that clergymen who offended in any heinous manner might be degraded, and then delivered to the secular power to be punished as the offence deserved: but, as he observes, this was utterly denied by the archbishop and some other bishops; at which, saith he, the king was exceedingly angry⁴. And great reason he had to be so; and more especially if we add, what Neubrigensis saith, that above one hundred homicides were committed by the clergy under the reign of the king, and that their bishops were much more vigilant to protect them from the law than to punish their disorders⁵.

2. But, after all, one has much ado to forbear saying, that all these accounts are still defective, and come very short of the true reason of this controversy. For, though there can be no doubt that the persons mentioned by the aforesaid writers were singled out by the king as fit subjects for his justice, yet it is very evident these instances are the least part of the provocation which the government had received; for the outrages committed by the clergy were very numerous, and the contempt and insults of the civil authority were open and avowed, and both the mischief and the impunity were of older date than the advancement of archbishop Becket. So that it was not so much the faults of particular men, as a general licentiousness of the clergy, together with their contempt of the civil authority, founded on a pretence that they were not accountable to the secular power, which gave beginning to, and which was the true basis and foundation of, this unhappy controversy.

But the clearing of this particular opens the way to a greater difficulty; and that is, to show how a mischief of this nature should grow up unobserved, or at least unpunished, by the civil authority, till it became strong enough to bid defiance to the public justice. If one may be allowed to speak freely,

³ Ibid. xix.

⁴ Ibid. xx.

⁵ Gul. Neubrig. *ibid.*

it seems most probable that this mischief owes its beginning to a law of William the First, and to the impunity and disorders occasioned by the long civil war betwixt king Stephen and the empress, the law I mean which first separated the ecclesiastical from the civil courts. For, though the deference due to the judgment of the learned Mr. Selden has not weight enough to engage one to believe that that law was in the primary intention thereof to be esteemed a rescript or judgment in a particular case rather than a general law, yet the other part of that learned writer's conjecture, that that law was not received at once but by degrees, has a force not to be resisted¹. For by a law of Henry the First and the earliest footsteps we have of the ecclesiastical courts as distinct from the civil², by the reasons of the present king, urged against the exemption of the clergy from the secular law because it was not in use in the days of his grandfather, it seems probable that the aforesaid law of William the First did not generally take place till the latter end of the reign of Henry the First. But our histories afford us such certain and undoubted marks thereof in king Stephen's reign, that the honourable and learned sir R. Twysden³ does upon good grounds fix the general establishments of ecclesiastical courts in the reign of that prince: and this may possibly account for the reason of bringing the canon law into England in his time⁴.

Henry II.

1163.

3. Now the aforesaid law having in general established the authority of ecclesiastical courts, subjected the persons of the clergy and the affairs relating to the offices of their ministry and function to those courts, and in these instances discharged the clergy from the authority of the civil courts and the secular law, and this without ascertaining the boundaries and limits of courts ecclesiastical, the clergy had a very reasonable, at least a very colourable, pretence to think themselves discharged from the authority of the secular power and laws.

¹ Selden, Hist. Tithes, c. XIV, p. 413. [See before, II, iii, 13.]

² Lambard. Ll. Henr. pp. 180, 183, [187,] cc. vii, xi, [xxxi,] ed. 1644; Thorpe's Ancient Laws &c. Henr. vii, 3, xi, 15, xxxi, 3. But Mr. Thorpe, in his Notes on the Laws ascribed to King Henry I, cites these very passages among the

"many proofs" that that collection is "a compilation of ancient Saxon laws by some private person, and not a publication by authority of the state": see pp. 267 &c. of the folio edition.]

³ Twysden's Hist. Vindic. Ch. Engl. c. V, § 10.

⁴ [See before, II, x, 9, 10.]

Henry II. And the aforesaid civil war having made it necessary to both
1163. sides to make their court to the clergy, it is no wonder if that law of William the First was interpreted in their favour, till the mischief grew up to such a height as became insupportable in the beginning of the present reign.

Nor am I only confirmed in this conjecture by the great argument of Becket, that it was against natural justice to be punished twice for one offence; but, as this licentiousness first appeared when this law became general, so one would think that nothing but a pretence and colour of law could have given a stop to, much less have changed, the ancient course of justice, or have supported maxims so contrary to all the interests of the civil government. If we add to these reflections, that that exemption of the clergy from the civil authority, covered under a mistake of law, did also fall in with the general pretence of ecclesiastic liberty, set up in the preceding age by pope Gregory the Seventh¹, and which was every where carrying on at this time by the court of Rome, we have a just view of both sides of the controversy, and see the reason of the mutual warmth and resolution which attended the conduct of this affair.

Our historians, who for the most part wrote after the church of Rome had done every thing that was possible to brighten the memory and sufferings of Becket, do for that reason generally represent king Henry, who contested with him, as a man of ungovernable passions; and Baronius from them gives us such an instance thereof, as is very apt to give one a very disagreeable and even frightful character of that prince. Yet after all, under such a shock to his authority as was enough to pierce the soul of a prince, his temper and his conduct of the dispute seem very agreeable to the character which he sustained.

4. The king could not but know that these new maxims and pretensions, which had interrupted his peace and ruffled his authority, were and had for some time been the general subject of quarrel betwixt the court of Rome on the one hand and the western princes on the other, that the emperor Frederic and pope Alexander the Third were actually engaged in a war upon this subject: therefore he wisely

¹ [See before, II, ii, 11.]

applied himself to find out such a temper, as might at once express a just tenderness to the character and honour of the archbishop, and yet put a stop to an attempt of such fatal consequence to the rights of his crown. And, instead of such reflections on the archbishop as his dangerous principles and undutiful behaviour had deserved, the king, well knowing the true spring by which this affair was moved, sent his ambassador to pope Alexander to acquaint him therewith. Henry II. 1163.

Because this controversy made a mighty noise, the better to justify his conduct, he appointed a great council to be called, to consider of the laws and usages of England relating to ecclesiastical persons and causes. Whilst these things were doing in England, pope Alexander, who had been driven out of Italy and still remained in France, seeing his affairs under such uncomfortable views that it was absolutely necessary for him not to break with the king; he, though doubtless very cross to his sentiments and to the measures which had been concerted at the council of Tours, sent a legate over into England, by whose persuasions the archbishop was brought so far towards his right mind, that he came to the king at Woodstock, and promised that he would bona fide observe the laws of England¹.

The way being thus prepared, the king called a council of the bishops and nobility of England to meet at Clarendon, in order to have a general review and recognition of the laws relating to ecclesiastical persons and affairs, which were in use in England in the days of his grandfather king Henry the First. The council met the latter end of January 1164. The archbishop after some difficulty and reluctance was prevailed upon, in the presence of the clergy and nobility, to renew his promise to allow the ancient laws and usages of England; and all the clergy followed his example. But, because there might be some ambiguity in a general promise, and that might occasion future disputes, the king caused the laws and usages under debate to be put into writing and presented to the council². And, because this summary or short body of laws does at once give us a view of the ancient ecclesiastical law of England and the methods of ecclesiastical

¹ Hoved. Annal. fol. 282 b, 12. Chron. an. 1164, int. X Scriptor.

² Hoved. ibid. 20-26. Gervas. ed. Twysden 1386, 33-49.

Henry II. courts, and at the same time shows us what it was the king
1164. was labouring to maintain and the court of Rome struggling to wrest out of his hands, and consequently gives us the most authentic and certain views of the present controversy, it will be necessary to offer a short abstract of them to the reader.

5. These were digested under sixteen heads ¹.

The first respects advowsons and presentation to churches, and the trial of causes thereunto relating in the king's courts: the second, the consent of the king in the donation of churches ².

The third requires the appearance of the clergy in his secular courts, and empowers the lord chief justice in some cases to take cognizance of what passed in the ecclesiastic courts; and that, if a clergyman was either found guilty, or confessed himself to be so, in the ecclesiastic court, he should not be withheld from the justice of the civil power.

The fourth forbids the archbishop or bishops to go out of the kingdom without the king's leave, and, if required, to give security for their good behaviours during their absence abroad.

The fifth, sixth, and seventh describe the manner of proceeding in the ecclesiastical courts, and forbid the excommunication of such as hold of the king in capite without the king's leave.

The eighth prescribes the course and method of appeals from the archdeacon to the bishop of the diocese, from the bishop of the diocese to the archbishop of the province; if not determined by the proper authority of the archbishop, then the appeal to be made to the king, and by delegates commissioned by him to be finally determined, but in the court of the archbishop ³.

The ninth directs the manner of proceeding, when it is

¹ Gervas. *ibid.* [The Constitutions of Clarendon are given better by M. Paris, an. 1164, and from him by Wilkins in Concil. I, 435.]

² ["*Ecclesiæ de feudo domini regis non possunt in perpetuum dari absque concessione ipsius.*"]

³ ["*Si archiepiscopus defuerit in*

justitia exhibenda, ad dominum regem perveniendum est postremo, ut præcepto ipsius in curia archiepiscopi controversia terminetur; ita quod non debeat ultra procedi absque assensu domini regis." No mention is made of "delegates commissioned by the king".]

doubtful whether the matter be of ecclesiastic or civil cogni- Henry II.
zance : the tenth, proceedings in cases of contempt. 1164.

The eleventh declares that archbishops, and bishops, and all other persons who hold of the king in capite⁴, hold their possessions as barons, and as such shall be accountable to the justices and ministers of the king, and attend his courts and observe his laws.

The twelfth declares the right of the crown to the temporalities of the archbishops and bishops during the vacancy of their sees, and requires that the elections of archbishops, bishops, and abbots should be made in the chapel of the king, and in his presence, or with the advice and consent of such persons as the king should upon that occasion call to him to advise with⁵, and that upon their election the bishop

⁴ ["*Archiepiscopi, episcopi, et universæ personæ regni, qui de rege tenent in capite, habeant possessiones suas de rege sicut baroniam.*" That this article relates to ecclesiastical persons only is evident from the last clause of it, which declares that those of whom the article speaks, "*sicut cæteri barones, debent interesse judiciis curiæ regis cum baronibus quousque perveniatur ad diminutionem membrorum vel ad mortem*". The same appears too from a consideration of the next article, the twelfth, which declares the right of the crown to the temporalities, not only of every archbishopric and bishopric, but also of every "*abbatia vel prioratus in dominio regis*", during a vacancy, and states how a successor is to be elected and to do homage to the sovereign. Not to trace the sense of the word "*persona*" from its etymological meaning through its use in classical writers, it is sufficient to observe that by this time the word had come to signify an *ecclesiastical dignitary* of some kind or other, but had not yet attained its later signification of a *parson* or incumbent of a parochial church, and that the context in each instance must determine the rank of the dignitary intended.

In the eleventh and twelfth of

these constitutions the "*personæ regni*" are all those dignitaries (bishops, abbots, and others) who, holding of the king in capite, were liable to be summoned to the meetings of his great council and to his courts. In the twelfth the "*potiores personæ ecclesiæ*", who were to be summoned to the election, were the higher dignitaries of the collegiate church in which the vacancy had occurred, who attended as representatives of their whole body. See below, xvi, 5.

This interpretation of "*persona*" is confirmed by Chron. Bromton int. X Scriptor. ed. Twysden 1057, 58; where the chronicler, speaking of this very period and even of Becket himself, after recording his appointment as archdeacon of Canterbury, subjoins the remark that "*post episcopos et abbates in Anglorum ecclesia hic primus et dignior personatus habebatur.*"

⁵ [Inett does not state the king's rights in regard to these elections so fully as they are declared in the article itself. "*Debet dominus rex mandare (to summon) potiores personas ecclesiæ; et in capella ipsius regis debet fieri electio, assensu ipsius regis, et consilio personarum regni quas ad hoc faciendum advocaverit.*"

Henry II. elect should do his homage to the king before he was con-
1164. secrated.

The thirteenth, fourteenth, and fifteenth direct the manner of proceeding, in case any of the nobility shall disseize the archbishop or any other of the clergy of the lay fees which they hold under them⁶.

The sixteenth forbids the ordaining the son of a villain without the consent of his lord.

These, having been presented and well considered in the council, after some debate were recognized by the whole assembly, and particularly by the archbishop and bishops, as the ancient usages and laws of England in affairs ecclesiastical, and that recognition attested under their seals. But the writers of bishop Becket's life, who say that prelate did not set his seal, do yet agree in his recognition of the aforesaid laws; and further add that three copies thereof were transcribed, of which one was delivered to the archbishop of Canterbury, another to the archbishop of York, to be deposited in the archives of their sees, and a third left in the hands of the king to be lodged amongst the records of the crown⁷.

6. It was with some difficulty that the archbishop was brought to consent to this recognition; but he was so soon and easily brought to repent what he had done, and expressed the change of his mind in such a manner, as gave great offence to the king.

The learned author of the Complete History of England thinks the aforesaid statutes had been brought from Normandy, and grounds his opinion upon a recognition of the usages of Normandy made in the year 1205, a copy whereof he has inserted in his Appendix from the writers of the Norman story¹. But, as that recognition appears to be made

⁶ [The thirteenth states that the king ought to support the judicial authority of archbishops, bishops, and archdeacons, in case any of the nobles of the realm resist it, and that these spiritual persons ought to support the king's authority in like manner.

The fourteenth requires that goods forfeited to the king shall not be

protected in church or churchyard.

The fifteenth provides that all pleas of debt shall be in the king's cognizance, whether the debt was or was not contracted under oath or solemn promise.]

⁷ Baron. Annal. an. 1164, iv.

¹ Brady's Hist. Engl., Hen. II, p. 382; Append. p. 44. Hist. Norm. Scriptor. ed. Du Chesne p. 1059.

forty years after the statutes of Clarendon, so, if one looks back to the Saxon church and the usages thereof, and compares them with what was urged as the ancient usage of England in the dispute with Anselm², and considers that the English-Saxons as well as the Normans were originally a northern people, had their beginning from the same country, and were descendants from the same common ancestors, it will be easy to account for the affinity which appears in the English and Norman laws without going into Normandy to find the original of those usages recognized in the council of Clarendon. On the contrary, if there be any grounds to believe that England or Normandy took pattern the one from the other, the advantage in point of time which appears in favour of the statutes of Clarendon would incline one to think that Normandy took its pattern from England, and that the English laws were carried thither rather than borrowed from thence.

Henry II.
1164.

But, if I mistake not, there is no ground either to flatter our own country or to lessen Normandy : for one who looks into the capitulars of Charles the Great, the constitutions of the later kings of France, the ecclesiastical laws of the dukes of Normandy, and compares them with those of our English-Saxon kings, will find so many laws relating to the clergy and the affairs of the church, and these so much of a piece with those of Clarendon, as make it reasonable to conclude that the western princes acted upon the same common principles and exercised the like authority in matters of religion, rather than to think that they borrowed laws from one another, or that they pretended to any powers different from those which their ancestors had enjoyed unquestioned. But, if what has been said in the preceding chapter, of the power of temporal princes in matters of religion, be not enough to set this particular in a true light, he that will compare the statutes of Clarendon with the ancient laws of England before the Conquest, collected by Mr. Lambard, will not only find the tracks and footsteps of those statutes, but see plainly that, if a change was made, it was to the disadvantage of the civil authority.

But, wheresoever they had their beginning, it is plain that

² [See before, II, iv, 7.]

Henry II. the statutes of Clarendon lay very cross to the new maxims
 1164. of ecclesiastic liberty : and Becket could not but see the consequences of them ; therefore he presently published his change, by imposing a penance, and suspending himself from the offices of his holy function, till he was absolved by pope Alexander³. Doubtless he sought for pardon in the right place ; for it was that prelate and his court, and not God, that he had offended.

The king, seeing the fickleness and irresolution of Becket, resolves to try whether he could fix that prelate by bringing pope Alexander to own the justice of those laws which had been drawn together by the council of Clarendon ; at least he hoped to prevail upon him to make the archbishop of York his legate, and by the legatine power so to balance or overrule the authority of the archbishop of Canterbury, that it should not be in his power to hurt him. In order hereunto he resolved to send ambassadors to pope Alexander. But that prelate was no less sensible of the consequences of this affair than the king himself : therefore, as the king sent John of Oxford and Geoffrey Ridell to pope Alexander to obtain a recognition of the laws of England, so about the same time Alexander sent Rotrod archbishop of Rouen to the king in hopes to make up this breach without it⁴. And the success was much alike : for the king would not hear of a reconciliation with Becket, unless pope Alexander made an authentic recognition of his laws⁵ ; and this prelate was as resolute in denying this recognition, nor would he grant the legatine power to Roger archbishop of York at the desire of the king ; but instead of that by the aforesaid envoys he sent his bull granting the legatine power to the king, provided he should not use it to the prejudice of the archbishop⁶, or, to speak more properly, provided that he should make no use of it. That court doubtless hoped that the king would sacrifice his wisdom and honour to his resentment, and rather accept the legatine authority than not have it in his power to prevent the disturbance which he might otherwise receive from the archbishop. But that attempt, as it was one of the grossest

³ Hoved. Annal. an. 1164, fol. 282
 b, 34.
⁴ Ibid. 36-42.

⁵ Ibid.
⁶ Ibid. 42.

and most insolent insults that had ever yet been offered to the majesty of a king, so the success was answerable; for the king returned the bull with indignation and scorn⁷, and applied himself to find his remedy at home. Henry II. 1164.

7. The king, having thus determined to do justice to his own laws and authority, in pursuance thereof appointed another council to meet at Northampton in October following¹: where several suits were commenced against the archbishop; one on the part of John the Marshal², wherein the archbishop was condemned to the king's mercy for all his movables³, because he had refused upon a former citation to appear in the king's court: beside which, several suits were commenced against him on behalf of the king; one for three hundred pounds, which he had received as constable of the castles of Eye in Suffolk and Berkhamstead in Hertfordshire; another for five hundred pounds lent at Toulouse; he was prosecuted also for the profits of the archbishopric and several bishoprics and abbeyes, which falling void during his chancellorship, the revenues thereof during the vacancy had passed through his hands.

These seem to be vexatious suits, which the displeasure of the king and that prelate's ill conduct had drawn upon him; and the prosecution by the ministers was answerable, and attended with a heat and vehemence better suited to the anger than to the wisdom and honour of the king. The behaviour of the archbishop was all of a piece, and such as showed he had a spirit exactly turned to the interest in which he was engaged: therefore he treated all that opposed him with great contempt and disdain, and after the repeated assurances which he had given of his obedience to the laws and of his fidelity to the king, and the repeated advices and desires of the bishops and nobility to persevere in his duty, finding no other means to evade the force of their arguments, he took the shortest way and broke through them; for he laid open his heart and declared

⁷ Ibid. 46.

¹ M. Paris. an. 1164.

² [His office was an hereditary one in the exchequer, and his family derived from it their surname Marschal or Marshall. See Anstis' *Curia Militaris* pp. xi, xviii, xix. See also

below, xvi, 22, note 1.]

³ Birchington. Vit. Archiep. Cantuar. in *Angl. Sacr.* I, 9. [It is not Birchington who assigns this cause for this sentence, but Gervase in *Chron. an. 1164* ed. Twysden 1389.]

Henry II. that the king's courts had no authority over him⁴, that he
 1164. could not submit to him without a wrong to the authority of
 the papacy; therefore appealed from him to the pope, and
 put his person, his church, and dignity under the protection
 of the see of Rome⁵. The bishops and nobility were just to
 the king and to the laws, and were so unanimous in opposing
 the new maxims of that prelate, that he could not but appre-
 hend that the king by their advice would, notwithstanding
 his appeal, seize his person⁶ and the temporalities of his arch-
 bishopric, and treat him as they thought he had deserved.
 Therefore, after this debate had lasted about seven days, the
 archbishop thought it much safer to trust to flight than to
 his cause: accordingly he stole away privately in the night,
 and after some time got over into France⁷.

1165. 8. The French king, who was willing to embrace every op-
 portunity to arrest the glory and embarrass the affairs of so
 formidable a neighbour as king Henry then was, not only re-
 ceived the archbishop with open arms, but espoused his
 cause¹. Pope Alexander was no less forward, but much more
 sincere in his interest. King Henry, considering the conse-
 quence thereof, sent Gilbert bishop of London and William
 earl of Arundel to the French king, to give him an account
 of what had passed, and to desire that he would banish the
 archbishop out of his dominions². But, though this was nei-
 ther better nor worse than a war betwixt the ecclesiastic and
 secular power, and that of Henry was the common cause of
 all the princes of Europe, yet it had the success very usual
 amongst such ministers of state as choose to make dangerous
 precedents, and leave succession to shift for itself under the
 disadvantages thereof, rather than omit an opportunity to add
 a present seeming lustre to their own conduct. For the
 ministers of the French king, hoping to find their account
 in this affair, not only refused to banish the archbishop, but
 openly protected him, and brought in the clergy of France
 to side with him in recommending his cause to the court of
 Rome³.

⁴ Gervas. Chron. ed. Twysden
 1393, 6-12.

⁵ Hoved. Annal. an. 1165, fol.
 283 b, 24.

⁶ Ibid. 39.

⁷ Ibid. fol. 284 a.

¹ P. Æmil. de Gest. Franc., Vit.
 Ludov. VII, fol. 110 I, K, ed. 1544.
 Hoved. ibid.

² Ibid.

³ Hoved. Annal. fol. 297 b, 16-20.
 [This was in the year 1170.]

To pope Alexander king Henry sent Roger archbishop of Henry II. York, the bishops of Winchester and London, Ch[ich]ester 1165. and Exeter, Guido Rufus, Richard Ivechester, and John of Oxford, clerk[s]⁴, hoping by an embassy of so many great men to satisfy Alexander that it was the obstinacy and humour of Becket, and not the cause of God or the honour of the church, that was at the bottom of this dispute; and that he desired nothing but what he had a right to by law, and what his ancestors before him had long enjoyed. But Becket had by secret and quicker despatches satisfied the pope that the reasons why he could not comply with the laws of England were, because they forbade appeals to Rome unless allowed by the king, and forbade the excommunication of such persons as held of the king in capite, and the interdicting of any parts of his dominions, and required in some cases that the persons of the clergy and causes of ecclesiastical nature should be subject to the civil courts⁵; that is in short, because the laws and customs of England stood in the way of the new maxims of ecclesiastic liberty, and lay cross to that dangerous and unwarrantable power which the bishops of Rome were advancing under the umbrage of asserting the liberties of the church.

9. Though these were the true grounds of this controversy, and the king had sped ill in his former embassy, yet he was sanguine enough to flatter himself with the hopes that the services which he had done to pope Alexander, or the need which he had of his future friendship, would engage him at least to find out some temper that might end this affair to his contentment, either by obliging the archbishop to resign his trust, or by putting the legatine power into the hands of the archbishop of York, or by allowing the authority of his laws. The thing he chiefly aimed at was to have the court of Rome prevail with the archbishop to resign, and thereby

⁴ Hoved. Annal. an. 1165, fol. 284 a. [The embassy comprised also some of Henry's highest earls and barons, especially the earl of Arundel, whose speech and bearing gained him great respect. See Gervas. Chron. ed. Twysden 1395, 48-1396, 21.]

⁵ Hoved. ibid. fol. 286 a. [This

citation is not made from any private despatches sent by Becket to the pope, but from his public letter or protest addressed to the bishops of the province of Canterbury; and his objection is not urged against "the laws of England" in general, but against the constitutions of Clarendon in particular.]

Henry II. at once to deliver himself both from the controversy and the
1165. vain and haughty prelate who had begun it; if that could not be done, then to have the legatine power in such hands as might prevent the ill effects of that prelate's conduct. And, the better to obtain his desires, the king was forced to show all seeming deference to the court of Rome by desiring that two cardinals might be sent to England with power to judge finally of the matter under debate. And when one reflects on what the writers of Becket's life, Baronius, and most of the historians of this age do all agree in; that the acknowledgment of Alexander as pope, in opposition to his adversary Octavian, through England, France, and Spain, was chiefly owing to this prince; that when the emperor Frederic had formed a design to depose Alexander, and had drawn the king of France into it, and an assembly was met at Avignon for that purpose, it was the king who broke the design and kept pope Alexander in his chair¹; one is tempted to think that this prince had a very reasonable and well grounded expectance.

But after all he succeeded as men usually do who rely on the gratitude or the friendship of the court of Rome against the open and visible interest thereof, and was disappointed in every branch of his hopes. The archbishop resigned indeed, and it was under debate whether the court of Rome should sacrifice him to their peace; but it was concluded that, if he should be given up, it would be such a discouragement to all men to engage in the interest of the church of Rome, that (pope Alexander thus concluded his speech in favour of this prelate) if he fall, all the bishops would fall with him, "so that for the time to come none will dare to resist the will of a prince, and so the state of the whole catholic church will sink, and the authority of the bishops of Rome will perish; it is therefore necessary that we restore him to his archbishopric again:" which was accordingly done, and at the same time the pope gave him a public assurance of all the assistance that church could give him, and provided for his subsistence in the abbey of Pontigny in Burgundy², and appointed that that prelate and his church should be recommended to God in the

¹ Baron. Annal. an. 1162, ix.

² Gervas. Chron. an. 1164, ed. Twysden 1397, 50-1398, 18.

prayers of the great monasteries of France³. As for the Henry II. usages of England, they so visibly thwarted the new maxims 1165. and intrigues of the court of Rome, that pope Alexander declared against them, and fixed his sentence of condemnation to almost every article, and pronounced an anathema against all that should favour them⁴. And, when Alexander was pressed by the ambassadors to send two cardinals to hear and finally to determine the cause in England, he answered with applying that to himself which the prophet had done to God, "mine honour will I not give to another"⁵.

10. Pope Alexander was at this time at Sens in France, when he received the aforesaid embassy, and so in the hand of Lewis the Younger, then king of France, who had openly engaged himself in the cause of Becket, and who was obliged in the mortification of the king of England. Besides, the imperial interest at Rome was so low, that about the same time that Alexander gave the aforesaid answer to the English ambassadors he was recalled and preparing to return to Rome, and the cause of ecclesiastic liberty so hopeful, that it is no wonder if Alexander, whose conscience and judgment were ever as true to his interest as if they had been entirely conducted by it, should so openly declare himself on this subject, and so contrary to the expectations of the king.

But, from whatever causes this proceeded, it is certain the king had the mortification to see his embassy come to nothing¹, and in all probability had sped worse, if the circumstances of pope Alexander had been better. Therefore the king not only resented the usage he had received, but endeavoured to provide against the worst he had to fear from the malice and vigilance of his enemies. In order whereunto he presently issued out his proclamation, by which he forbade all communication with the pope and the archbishop, but declared it treason to bring any bull of excommunication or interdict from either of them, and commanded that none should go or return from beyond sea without passes from himself, or his governors in his absence; that no appeal should be made either to the pope or to the archbishop, or any others proceeding by

³ Baron. Annal. an. 1164, xi.

⁴ Hoved. fol. 284 a, 47: Baron. ibid. xxxvi, xxxvii.

⁵ Gervas. ibid. 1396, 34. [Isai,

XLII, 8; XLVIII, 11.]

¹ Hoved. ibid. 41.

Henry II. their authority ; and that, if any one disobey this order, he,
 1165. whether clergy or laity, should be clapped into prison ; and, if any bishop, priest, abbot, or monk, or any other person, whether of the clergy or laity, should think himself obliged to observe any interdict of the pope or the archbishop, he and all his kindred should immediately be banished out of England ; that all who held any benefices in England² should return thither in three months, or else their benefices and effects should be seized into the hands of the king³.

1166. 11. Several other proclamations of this nature were issued out during this controversy ; and, because Becket by the appointment of the pope was received into the abbey of Pontigny, of the order of Cistercians, and the king had reason to suspect that by the means of the monks of that order a correspondence was maintained with that prelate and with the see of Rome, contrary to his edicts, he sent notice to the general chapter of that order that, in case Becket was not removed from that abbey, he would banish all the monks of that order out of England¹. And, that his displeasure might the better reach to pope Alexander, he entered into alliance with the emperor Frederic, the avowed enemy of that prelate, and gave his eldest daughter Maud to Henry duke of Saxony the son of Frederic, and made some overtures towards renouncing Alexander and acknowledging of Paschal the antipope².

On the other hand the adversaries of the king were no less active : for, though our historians, who all wrote after his success had determined that controversy in favour of Becket, tell us that he retired to a monastery and there quietly submitted to the meanest offices that station was subject to, even to go into the fields and assist with his own hands the mowers and reapers sent out by the monastery³, yet his writings and conduct have visible marks of a very different spirit. And, if he did not engage the French king and the earl of Flanders to begin a war against the king, yet thus much is evident, that the king was persuaded that he was the promoter of that

² ["Omnes clerici, qui habent reditus in Anglia".]

² Baron. Annal. an. 1166, i, vi, xxi.

³ Hoved. ibid. fol. 284 b, 1-23.

³ Gervás. ibid. 1400, 14. [This

¹ Hoved. Annal. an. 1166, fol. 286 b, 26.

was at Pontigny.]

war, and declared to pope Alexander that he had reasons to be assured thereof⁴; and Gervasius saith, that there were several causes of that war, but that of the archbishop was thought the chief⁵. Whether this was so or not, the circumstances and manner with which the archbishop conducted this dispute are such, that it is hard to say whether the beginning or the conduct of it were the most inexcusable. After his flight the controversy on his side was for the most part managed by writing, in which sort of war a man's passions are least liable to surprise, and his infirmities best concealed; and yet through all his epistles upon this subject one finds such marks of rapid and restless passions, that his zeal appears like fire from the bosom of a cloud, loud and fierce and impatient of every opposition.

Henry II.
1166.

12. In one epistle to king Henry he tells that prince that, as he was his son, he in right of his office was obliged to reprove and to chastise him. And he is very just to his trust, and, the more effectually to humble the king, tells him he had received his authority from the church; and after a few lines repeats this again, and saith, because it is certain that kings receive their authority from the church, and not the church from them but from Christ, therefore they have not power to command bishops to absolve or to excommunicate, to command clerks to appear at their courts, to judge of tithes or churches, "and many other things", saith he, "which you call your ancient customs"; for the Lord saith, Keep my statutes, and, Woe be to them that make wicked laws to oppress the poor in judgment¹. After he had treated the king in this rough manner, he concludes with telling him, that, in case he be restored to his right, he will be as dutiful as is consistent with the honour of God, of the Roman church, and of his own order².

In another epistle to the king he tells him that the daughter of Sion, the spouse of the great King, was held captive in his dominions, and exceedingly oppressed by those who had

⁴ Baron. Annal. an. 1168, xxiii.
[This declaration was made by Henry
to the pope's legates.]

⁵ Gervas. ibid. an. 1167, col. 1402,
29.

¹ [2 Kings XVII, 13: Isai. X,
1, 2.]

² Hoved. Annal. fol. 284 b. [Epist.
S. Thom. Cantuar. I, 64.]

Henry II. long hated her³. In a third letter he adds, that it was the
 1166. will of God that all things relating to the church should be conducted by the ministers thereof; that God had appointed that they should not be judged by secular princes or laws; that the emperor Arcadius had been excommunicated by pope Innocent for suffering Chrysostom to be driven from his bishopric, and that St. Ambrose had excommunicated the emperor Theodosius⁴. And, after he had given the king intimation of what he might expect, he gives a taste of the reasons upon which his arguments were founded: "Who can doubt", saith he, "whether the ministers of Christ ought to be esteemed the fathers and masters of kings and princes and of all the faithful? and how absurd is it for the son to command the father, and the scholar his master!"⁵

To this way of arguing he added threatening, sometimes minding the king of the punishment of Uzzah for presuming to lay his hand on the ark⁶, and sometimes telling him that the sword should never depart from his house⁷; sometimes minding him of the fate of Rehoboam, and the division of the kingdom of Israel under him; and this too in terms that seem to look so directly to the unhappy breach which after happened betwixt the king and his sons, as if he had been privy to the forming of that design⁸. And, as if all this had not been enough to make the king sensible what that prelate meant by ecclesiastic liberty, he declared the statutes of Clarendon to be void, and all the observers, counsellors, and defenders thereof to be excommunicate, and especially and by name the great ministers and agents of the king⁹, and this too without defence or hearing or citation¹⁰. And, if he did not excommunicate the king by name, and interdict his kingdoms, it appears by the account of Baronius to be owing to the cau-

³ Hoved. *ibid.* fol. 288 b, 13.
 [Epist. S. Thom. I, 63.]

⁴ Baron. *Annal. an.* 1166, xxxiv, xxxv. [Epist. S. Thom. I, 65.]

⁵ Baron. *ibid.* xxxi. [Epist. S. Thom. I, 65.]

⁶ Baron. *ibid.* xxxiii. [Epist. S. Thom. I, 65. 2 Sam. VI, 6, 7.]

⁷ ["Vereor (quod tibi Deus avertat) ne non deficiat gladius de domo vestra."] Hoved. *ibid.* 28. [Epist. S. Thom. I, 63. 2 Sam. XII, 10.]

⁸ Baron. *Annal. an.* 1167, liii.

[The letter here cited is not from Becket, but from John of Salisbury; nor is it addressed to the king himself, though perhaps it was intended to be shown to him. Epist. S. Thom. I, 141.]

⁹ Hoved. *ibid.* fol. 286 a. [Epist. S. Thom. I, 96.]

¹⁰ Hoved. *ibid.* fol. 293 a, 46. [Epist. S. Thom. I, 128.]

tion of the court of Rome, which was afraid of extremities, and not to the wisdom or piety of this prelate¹¹. Henry II. 1166.

13. Nor was he less diligent to withdraw his subjects from their duty to their prince; and especially the clergy, and those of his province, had a more particular share in his attempts¹. And here his success was suitable to the weight of his arguments: for the bishops and clergy of his province, by all the ways that became their characters, discharged their duty to the king and their country; and, as they unanimously promised obedience to the laws of England, and advised the archbishop to obey, so, when he refused, some of them withdrew their obedience from him as their metropolitan, and unanimously, in several provincial letters sent to the pope and to the archbishop², they asserted the rights of the crown and the reasonableness of their obedience to the laws of England, they reproached the unwarrantable practices of the archbishop, and endeavoured in their letter to the pope to set this matter in a true light.

At Rome this prelate sped better, and had all the encouragement the circumstances of that court would permit them to give; and, beside the secret arts employed in his favour, pope Alexander wrote to the king and bishops of England for his restoration, designed him his legate over the church of France³, and conferred upon him the legatine power over England⁴.

Thus things passed from the flight of the archbishop till the year 1167, when a new scene began to appear. For by this time that prelate was mightily exalted with the opinion of his sufferings; his temper and patience were at an end: and nothing is so restless and dangerous as a proud and haughty spirit, thoroughly soured and covered with the pretences of religion; for then peevishness, ill nature, and revenge pass for zeal, and the name of God serves all the purposes of rage and 1167.

¹¹ Baron. *ibid.* lxx.

¹ Hoved. *Annal.* fol. [285 b, 288 b,] 291. [Epist. S. Thom. I, 96, 40, 108.]

² *Ibid.* fol. [291 b,] 292 b. [Epist. S. Thom. I, 126, 128.]

³ Baron. *Annal.* an. 1168, v. [Epist. S. Thom. II, 43.]

⁴ Baron. *ibid.* an. 1167, xviii.

[Epist. S. Thom. I, 115, 116. According to Pagi on Baron. an. 1166, xi, xii, the pope's bull, appointing Becket his legate over England, was given in December 1165; and in virtue of the power so conferred upon him Becket began to excommunicate his opponents in 1166.]

Henry II. 1167. fury and inhumanity. And thus it was here; for about this time that angry prelate, as appears by his epistle, took upon himself to declare the laws of his prince and of his country void, excommunicated all the advisers and defenders thereof, all that abetted or obeyed them⁵. This was, it may be, the boldest insult that was ever offered to any government by a subject; for, if a violence to the person of a prince or invading the rights of the crown deserve the name of treason, certainly the overturning of the very foundations of a government by removing or denying the legislative power, and, which is more, assuming it to oneself, deserves a blacker name. Nor did the frantic zeal of this prelate stop here, but by name he excommunicated the ministers of the king, and in the like manner he treated Joceline the bishop, and the dean of Salisbury, John of Oxford, that very active and wise minister of the king⁶.

14. To give the best colour he could to this audacious attempt, he sent to pope Alexander to confirm his censures, and to obtain leave to excommunicate the king himself¹; and the pope in a letter to the king tells him that, if he did not speedily repent, he could no longer deny that prelate leave to execute the censures of the church upon him². Nor was this all the countenance which the holy madness of this prelate met with: for the same year and about the same time that he attacked the legislature of England the French king with an army fell upon the dominions of king Henry in France; and, if they did not act by concert, yet we are told the case of this prelate was the chief ground of this war³.

⁵ Hoved. Annal. an. 1167, fol. 289 b. [Epist. S. Thom. I, 138. This letter, addressed to the pope, bears no date. It was probably written in 1166, soon after the king's threat against the Cistercian monks for the encouragement given to Becket at Pontigny. See before, § 11 of this chapter; and compare Becket's letter to the bishops of his province, Hoved. fol. 286 a, Epist. I, 96.]

⁶ Ibid. [The excommunication of the bishop of Salisbury is not mentioned in this letter, but in a later one to the dean and clergy of London, the chief object of which is to

announce to them the excommunication of Becket's great opponent, their own bishop, Gilbert Foliot. Epist. S. Thom. III, 43. It is given by Hoveden under an. 1168, fol. 293 b. The excommunication of the bishop of London is placed by Radulfus de Diceto, who soon afterwards became dean of St. Paul's, in 1169. See note 7 on the next section.]

¹ Ibid.

² Ibid. fol. 290 a. [Epist. S. Thom. IV, 4.]

³ Gervas. Chron. an. 1167, col. 1402, 29.

This proceeding alarmed the king, and gave him reason to dread the consequences of this affair: therefore, as I think by his appointment, at least with his good liking, the bishops and clergy of the province of Canterbury wrote a provincial letter to the archbishop, to let him know the unwarrantableness and dangers of his rash and illegal proceedings; and they tell him plainly he had neither reason, canon, nor example to justify him⁴. And in like manner they wrote to the pope, and told him that the king had assumed no other power than what his ancestors had before enjoyed, and blamed the rashness and ill conduct of the archbishop; and, which was more likely to work at Rome, they mind pope Alexander of the schism the papacy laboured under, and the dangers that might accrue to him, if the king and his people should recede from his obedience and acknowledge his adversary⁵. But this remonstrance came too late; for Alexander had already stood the shock of two or three successive antipopes, and drawn so many troubles upon their great supporter, the emperor Frederic, that the court of Rome had a fair expectance of bearing down all its adversaries. And Becket had a spirit so exactly turned to serve the design of the new ecclesiastic liberty, and did the business of that court with so much zeal, that it was exceedingly the interest thereof that he should have all encouragement: therefore this year pope Alexander constituted him his legate over England, (the archbishopric of York only excepted,⁶) and confirmed the sentence of excommunication which that prelate had pronounced against Joceline bishop of Salisbury⁷.

15. The king seeing himself in the hands of that prelate,

⁴ Hoved. Annal. an. 1167, fol. 292 b, 16, 25. [Epist. S. Thom. I, 126.]

⁵ Hoved. ibid. fol. 293. [Epist. S. Thom. I, 128.]

⁶ Baron. Annal. an. 1167, xviii. [See note 4 on the last section.]

⁷ Baron. ibid. xlviii. [The archbishop had not yet excommunicated the bishop of Salisbury, but only suspended him from the exercise of all episcopal and sacerdotal functions. The bishop had not scrupled to give his assent to the election or

appointment of John of Oxford to the deanery of Salisbury, notwithstanding the archbishop's prohibition. Becket at once suspended the bishop, and cited him to appear before him within two months and make satisfaction for his fault. The bishop appealed to the pope, but did not appear either in person or by proxy to prosecute his appeal, and so the sentence was confirmed. Epist. S. Thom. I, 100, 104, 148. Pagi shows that the pope confirmed the sentence in 1166.]

Henry II. whose zeal was too quick for the slower motions of the court
 1167. of Rome, called his council together to Chinon in Normandy ; where it was concluded that there was no other way to avoid the excommunication of his person and the interdict of his kingdoms but by an appeal to pope Alexander¹. And accordingly the king sent John of Oxford², John Cumin, and Ralph de Tamewrde³, to desire that William cardinal of Pavia⁴, well known to the king, and some other cardinal might be sent as legates to hear and finally to determine the matters in dispute betwixt him and the archbishop, and in the mean time that the authority of that prelate might be suspended. The king was well acquainted with the temper of those with whom he had to do ; therefore sent good presents⁵, and so softened that court, that the pope inhibited the proceedings of the archbishop, and appointed William cardinal of Pavia and Otho deacon-cardinal of St. Nicholas to be his legates to hear the matter under debate⁶, and confirmed John of Oxford in the deanery of Salisbury, whom the archbishop had excommunicated as an invader of that dignity⁷. And in short the success of the king was so much to his contentment, that, if his enemies do not wrong him, he did not forbear to say that he had the pope and cardinals in his purse⁸.

But, if the king and his friends were pleased with the success of this affair, the disappointed archbishop was no less exasperated and provoked, and in an epistle to pope Alexander made heavy complaints of the covetousness and bribery of the court of Rome, and let that prelate know how he resented their proceedings, and that the French king was so far provoked thereby, that he was taking measures very disagreeable to the interests of that see⁹. And in short this prelate showed his resentment in terms as extravagant, as if

¹ Baron. *ibid.* xxvi, xxvii. [Epist. S. Thom. I, 140.]

² Baron. *ibid.* xlix. [This embassy also Pagi places in 1166.]

³ Hoved. *Annal.* an. 1169, fol. 295 a, 26.

⁴ [William was a native of Pavia and priest-cardinal of the title of St. Peter-ad-Vincula.]

⁵ Baron. *ibid.* lxviii.

⁶ *Ibid.* liv ; an. 1168, xvi.

⁷ *Ibid.* an. 1167, xxi, lix, lxvi.

⁸ *Ibid.* lxii. [Epist. S. Thom. I, 179.]

⁹ Baron. *ibid.* lix. [The letter here cited was not addressed to the pope by Becket himself, although perhaps it was not written without his knowledge, if Pagi is right in supposing that the writer was Heribert of Lombardy, at that time in constant attendance on the archbishop, afterwards one of his biographers, and subsequently a cardinal and arch-

the gospel was to perish in his disappointment, and Christianity to fail if he had not his will. Yet after all this anger Henry II. 1167.
Baronius, leaving the integrity of pope Alexander to shift for itself, takes some pains to prove that that prelate was all this while very hearty in the interest of the archbishop and the cause of ecclesiastic liberty, notwithstanding all the proofs which he had given the king of England to the contrary; and as evidence hereof that learned historian observes that at the same time when that prelate gave assurances to the king that his legates had authority to answer his expectation he gave a different account thereof to the archbishop¹⁰.

16. The conduct of pope Alexander answers the conjecture 1168.
of Baronius, and gives too much ground to think that all the [1167.]
assurances which he gave to the king of England were artifices to enrich and to serve himself, and give him opportunity to accomplish that under the show of friendship which experience had showed him was not for the present to be done by force. Therefore, when he sent his legates the year following¹, he wrote to the contending parties in such artful manner as he had done the preceding year. In his letter to the king of England he acquaints him that his legates had full power to hear and finally to determine the matters under dispute betwixt him and the archbishop²; but in another at the same time to the archbishop he tells him their business was to accommodate the difference betwixt him and the king, and that he esteemed his cause as the cause of the church, and that he might entirely confide in his legates, and adviseth him to dissemble for a while, though every thing was not according to his mind³. And in his letter to the French king,

bishop of Benevento. Becket's own indignant remonstrance, addressed to his agent at Rome with the intention that its substance should be communicated to the pope, is printed by Baronius *ibid.* lv-lviii.]

¹⁰ Baron. *ibid.* lxiii-lxv, [compared with the pope's private letter to the king preserved in] *Hoved. Annal.* fol. 295 a, [of which, as it is perhaps superfluous to remark, Baronius does not say one word, and which is not comprised among the *Epistolæ S. Thomæ* edited by Lupus.

In Giles' collection it is *Epist.* 309.]

¹ [The two legates set out from Rome on the first of January 1167. See Pagi on Baron. *an.* 1168, i.]

² Baron. *Annal. an.* 1168, iv. [*Epist. S. Thom.* II, 2, ed. Lup., 299 ed. Giles. A comparison of this letter with the letter cited in the last note but one (309 ed. Giles) will show very clearly the duplicity of the pope.]

³ Baron. *ibid.* ii, iii. [*Epist. S. Thom.* II, 1.]

Henry II. after he had applauded his humanity and great favours to the
 1168. archbishop, he gives him the same account which he had
 [1167.] given that prelate of the business of his legates; and, to satisfy that prince how steady he was in the interest of the archbishop, he tells him he had designed, if the French bishops would bear it, to make him his legate in France⁴.

The whole conduct of this affair was agreeable to the arts with which it was begun; for, to keep both sides in hopes, the legates pursued the secret and divided themselves betwixt the parties. The cardinal of Pavia, who was openly to avow the side of the king, signified by his letter to the archbishop that he came with power to hear and to determine the matters in dispute⁵; in which he gratified the king, but put the archbishop beyond his patience, and occasioned a very peevish and angry letter in return, and such as his creature John of Salisbury thought inconsistent with the deference and honour which he owed to the character of the legate⁶. Nor did his resentment stop here, but in another in the same strain the archbishop wrote to pope Alexander himself⁷. The other legate, who was allowed to avow the interest of the archbishop, wrote in a different manner, and the answer of the archbishop was agreeable thereunto⁸.

But, the legates being arrived in France, the first thing which they endeavoured was to make a peace betwixt the kings of England and France, which was quickly and easily accomplished; and then with the mediation of the French king they applied themselves to the other part of their instructions, to make up the breach betwixt the king and the archbishop. Because the usages of his dominions had given beginning to the controversy, the king offered that he would insist upon no other laws but such as a hundred men of England, a hundred of Normandy, and a hundred out of Anjou should upon inquiry, made upon oath, agree to have been the usages of his ancestors; or else that he would refer the matter to the bishops of England, and of Rouen, Bayeux, and Caen in

⁴ Baron. *ibid.* v, vi. [Epist. S. Thom. II, 43.] was suppressed, and a milder one sent. Epist. II, 11.]

⁵ Baron. *ibid.* vii. [Epist. S. Thom. II, 9.] ⁷ [Baron. *ibid.* xi. Epist. S. Thom. II, 22.]

⁶ Baron. *ibid.* viii, ix. [Epist. S. Thom. II, 10, 20. The angry letter ⁸ Baron. *ibid.* xii, xiii. [Epist. S. Thom. II, 4, 18.]

Normandy⁹; and that if this would not suffice, that then he would refer the matter entirely to pope Alexander, provided that his award should affect himself only, and not his posterity¹⁰. Henry II.
1168.
[1167.]

17. But all this came to nothing, and the legates returned as they came. However, the French king hoped to accomplish what had miscarried in their hands: therefore after the legates were gone, but before the end of the year¹, he procured another meeting betwixt the king and the archbishop, where, in the presence of a mighty concourse of bishops and nobility of England and France, the king offered to receive the archbishop into favour, provided that he would pay to him the same obedience which the greatest of the preceding archbishops had paid to the least of the preceding kings². The archbishop answered truly, that the authority of the church had grown up by degrees, and that the rights of the church were not now what they formerly had been, and that he was not to follow the example of such of his predecessors as had been faint and yielding in their places, but he was obliged to defend the power of which the church was now possessed³. This mighty condescension of the king gave great reputation both to himself and to his cause, whilst on the other hand the haughtiness of the archbishop lessened him in the opinion of the French king and all the great assembly who were witnesses to it; and this broke up the conference to the disadvantage of that prelate⁴. [1169.]

However, the honour which the archbishop lost here was redoubled upon him in the esteem and applauses of his party. And they were but just to him: for, if he acted wrong, doubtless he judged right of the interest in which he was engaged, and had given up his cause if he had consented to no more than what that great assembly thought his duty to yield; for the ancient laws and usages of England and Normandy lay

⁹ [Caen is itself within the diocese of Bayeux, and never was a bishop's see. The prelate selected by the king was "episcopus Cenomanensis", the bishop of Le Mans the chief town of Maine.]

¹⁰ Baron. *ibid.* li. [Epist. S. Thom. II, 108.]

¹ [The legates took their departure in December 1167; the congress at Montmirail, which is here related, was held January 6, 1169. See Pagi on Baron. 1168, v, xvi, xvii.]

² Baron. *ibid.* lxvii.

³ *Ibid.* lxviii.

⁴ *Ibid.* lxix.

Henry II. so cross to the new maxims of ecclesiastic liberty, that whilst
 1168. they remained the measure to the rights of the crown, and
 [1169.] whilst the duty and honour which had anciently been paid to
 the king's ancestors by the clergy continued the standard of
 their duty, there could be no room for appeals to Rome, and
 no pretence for exempting the clergy of England from the
 authority of the secular power; but on the contrary that
 prelate had left himself without so much as an excuse to
 cover his late insolent attempt in declaring void the ancient
 laws of England. Therefore Hoveden saith that when the
 archbishop was asked, at the forementioned conference in the
 presence of the legates, whether he would promise obedience
 to the ancient laws of the king, he answered, that by the
 blessing of God he would never promise obedience to laws which
 interfere with those of God, "*et apostolicum convellunt privi-*
legium, ecclesiæ perimunt libertatem," that overturn the
 privilege of the bishop of Rome, and destroy the liberty of
 the church⁵. And in the long relation the archbishop gives
 to pope Alexander of the conference before the legates, Wil-
 liam and Otho, his account is much the same, and his whole
 conduct bottomed on the ecclesiastic liberty⁶; which shows
 both the true ground of the controversy, and the reasons why
 the two aforesaid conferences came to nothing.

CHAPTER XIV.

AB ANNO 1169 AD ANNUM 1176.

1. A dispute betwixt the emperor Frederic and pope Alexander: the issue thereof. The king hopes to gain the court of Rome by presents; is deceived therein.

2. The court of Rome resolves to excommunicate the king; represents him as a tyrant &c.; issues out a bull against all that should adhere to him.

3. A bull of excommunication against the king. The archbishop of York suspended for crowning the young king: the reason thereof. Pope Alexander threatens to depose the king.

4. The king sinks under the dispute; the reasons thereof: makes an agreement with the archbishop of Canterbury; the mischiefs thereof. Proceedings of that prelate.

⁵ Hoved. Annal. an. 1169, fol. 296 a, 12-19.

⁶ Baron. *ibid.* xxvi-xxxiv. [Epist. S. Thom. II, 30.]

5. Becket archbishop of Canterbury forces the king's friends to leave England. The death of that prelate: the occasion thereof.

6. The murder of that prelate makes a great noise. The king vindicates his own innocence. The court of Rome threatens.

7. The king goes to Ireland; holds a council at Cashel. The Irish church submits to the English. The king makes an agreement with the court of Rome: the articles thereof.

8. The folly and mischiefs of that agreement.

9. The original of appeals to Rome.

10. The ill use which the court of Rome made of appeals.

11. The prior and monks of Canterbury insist on their right to elect a new archbishop; oppose the king and bishops of the province.

12. Richard chosen archbishop of Canterbury. Henry the young king protests against his consecration.

13. The difference betwixt the two kings gives opportunity to the court of Rome to confirm the election of the new archbishop. Becket late archbishop of Canterbury canonized: some reflections thereon.

14. The French king prepares to invade England. King of Scots enters England with an army; is defeated. The king goes a pilgrimage to Canterbury.

15. A council held at Westminster: the canons thereof.

16. The king goes to York; receives the homage of the king of Scotland, who agrees that the church of Scotland should pay all due subjection to that of England: the reason thereof.

17. A legate arrives in England; pretends to settle the difference betwixt the two archbishops: the grounds and issue thereof.

1. **WHILST** the dispute about the ecclesiastic liberty Henry II. was thus carried on in England, the court of Rome had so managed their affairs in Italy and Germany, that the emperor Frederic, the great opposer of the designs of that court, was reduced to such circumstances, that pope Alexander called a council to meet in the Lateran 1168, where he took upon himself to excommunicate and depose that prince, and absolve the subjects of Italy from their obedience; and the reasons given in that sentence were, because he had espoused the interest of the antipope¹. And John of Salisbury, from whom this account of this council is taken, saith that pope Alexander herein followed the example of Gregory the Seventh, and concludes the paragraph with words very dark²; but if they

¹ Concil. Labbe X, 1449, [Mansi XXII, 33. According to Pagi on Baron. Annal. an. 1168, vi, this council was held in the former part of the year 1167.]

² Ibid. ["Quia ergo ab oriente jam radius serenitatis illuxit per Christum, et incolumitas ecclesiæ in capite reparatur, superest spes fidei certissima, quod unguentum a capite

Henry II. have any meaning at all, it is this, that, the safety of the
 1169. church being established in the head thereof, there was just ground to believe the like success would attend that prelate in the dispute relating to the church of England; that is in plain English, there was reason to believe that the court which had humbled the emperor Frederic would subdue the king of England.

Though the court of Rome was exceedingly elated with their success against Frederic, and the king of England had little reason to hope for any good issue thereof, yet, that he might not be wanting to his cause, by a new embassy to Rome he attempted to prevail with pope Alexander to translate the archbishop to some other see, and to remove him from France to Rome³; and, knowing the debts the see of Rome had contracted in opposing the designs of the emperor Frederic, the king offered pope Alexander to pay his debts, and that he would give him ten thousand marks⁴, in case he was gratified in his desire, and the archbishop translated to some other see. Though the desire of the king was not granted, yet by those great presents, and greater offers which he made, the king prevailed so far, that he chained up the fury of the archbishop for another year, and obtained the sending of Gratian nephew to pope Eugenius, and Vivian advocate of Rome, to mediate a peace⁵.

These legates made some progress in the accommodation, but were not able to complete it; but discovered a secret which the king had before but too much reason to suspect. For, when the king, tired with the ill usage he had received, said in anger he would take other measures, the legates replied, "Sir, threaten not; we fear no threatenings, for we belong to a court that is used to command emperors and kings"⁶. This insolent return of the legates together with the denials and delays he met with were enough to let the king into the true sentiments of that artful court with which he had to deal, and to put him out of doubt that they were

in apostolicam barbam exuberans descendet in caput et oram ecclesiæ Anglicanæ." Epist. S. Thom. Cantuar. II, 89.]

³ Baron. Annal. an. 1169, i.

⁴ Ibid. [Epist. S. Thom. III, 80.]

⁵ Baron. ibid. v.

⁶ Ibid. xi. [Epist. S. Thom. III, 6.]

resolved to carry their point and to force him and his laws to submit. Accordingly, when after several conferences a form of agreement was drawn up, wherein the king consented to restore the archbishop to his see and to all the rights thereof in such manner as he enjoyed them before the controversy, “*salva dignitate regni sui*,” saving the rights of the kingdom, this clause spoiled the whole and broke up the conference⁷, and the legates returned as they came. Upon the breaking up of this assembly the king despatched new ambassadors to Rome, and before the end of the year Simon prior de Monte Dei and Bernardus de Corilo were sent legates from thence⁸; but, the king still insisting on the archbishop’s promise to observe his laws, this effort also came to nothing⁹.

Henry II.

1169.

2. The king appearing thus steady and resolute in the defence of his right, the court of Rome came at last to a resolution to try extremities. In the mean time they set themselves to prepare the minds of men to bear so violent a shock to the natural and undoubted rights of princes, by possessing the world with such a character of the king, and such an opinion of his laws, as might, if possible, bring men to think he had merited the hardships that were or should be put upon him, or at least might so artfully cover their own designs, that the neighbouring princes might stand still and quietly see their authority humbled in the example of the king of England. To bring this about, the king was represented as a tyrant, an oppressor, a violator of the rights of the church, and in the writings of the archbishop and his party frequently mentioned under the title of Pharaoh¹; and in the common language of that party his customs were styled pravities, and his laws represented as tyrannical and wicked, repugnant to the honour of God, and destructive to the rights and liberties

1170.

⁷ Baron. *ibid.* xv–xviii.

⁸ *Ibid.* xxx. [Simon was prior of the Carthusian house of Mont-Dieu in the department of Ardennes, a few miles to the south-west of Mouzon, which was founded in 1137 by Odo abbot of St. Remi at Rheims. Bernardus de Corilo was a monk of Grandmont near Limoges, as appears from *Epist. S. Thom.* IV, 10, 25. In *Recueil des Historiens des Gaules*, XVI, 332, not. a, XVII, 8, not. c,

the editor pronounces him to be the same person as Petrus Bernardi de Boschiac or de Bré, the fifth prior of Grandmont, who resigned that dignity about 1167, and became corrector of a house or cell belonging to his monastery in the Bois de Vincennes near Paris.]

⁹ Baron. *ibid.* xxx–xxxvi. [*Epist. S. Thom.* IV, 1–11.]

¹ Baron. *Annal. an.* 1170, xxi. [*Epist. S. Thom.* V, 12.]

Henry II. of his church². On the other hand the cause of Becket was
 1170. represented as the cause of God and of his church, and the mortification, humility, and holiness of the archbishop every where magnified, and he himself styled a martyr and defender of the cause of God and of his church³, and his name inserted into the offices of the great monasteries of France⁴; and a decretal bull of pope Alexander was published against such prelates as adhered to the laws of their own country, under the title of Court-bishops, wherein that prelate excites all bishops to defend the ecclesiastic liberty, and for their encouragement saith there were two things for which every Christian ought to lay down his life, viz. justice and liberty⁵, that is in short, for the cause under debate.

3. The way being thus prepared, pope Alexander recalled the inhibition he had before granted, and set the archbishop at liberty to use the censures of the church upon the person of the king. But, lest this should speed no better than the former attempts of that angry prelate, pope Alexander did this year constitute Rotrod archbishop of Rouen, Bernard bishop of Nivers, and William bishop of Sens¹, his legates, with power to excommunicate and put the kingdom of England under an interdict.

And because he had advice, or at least suspected, that that prince had a secret purpose to have his son Henry crowned king, the better to break his measures and put him under a necessity of recalling the archbishop of Canterbury, pope

² Ibid. i. [Such language was constantly used by Becket's friends: the place in Baronius here referred to contains a very faint specimen of it.]

³ Ibid. xvi.

⁴ Baron. Annal. an. 1164, xi. [See before, II, xiii, 9.]

⁵ Baron. Annal. an. 1169, xlix. [The document here cited by Baronius is not a bull or decretal epistle of any pope, but the treatise of Peter of Blois *De Institutione Episcopi*, which was not written till after the death of Becket. Petr. Bles. Opp. pp. 454, 455, ed. Paris. 1667.]

¹ [The archbishop of Sens was at this time the pope's regular legate in France. The special commission, which issued this year for settling

the dispute between the king and Becket, was addressed to the archbishop of Rouen and the bishop of Nivers January 19, 1170. It empowered them, in case the king refused compliance, to put all his territories in France under an interdict, but gave them no authority over England. The archbishop of Canterbury was himself the pope's legate for England, and proceeded to exercise his authority in due time. Afterwards, in October, when it was thought the king would not adhere to his agreement of July 22, the pope gave a similar commission to the archbishops of Sens and Rouen. Epist. S. Thom. Cantuar. V, 3, 4, 17, 29, 30, 31, 32, 35, 36.]

Alexander sent his bull, declaring the crowning of the king Henry II. the right of that prelate, and forbidding the archbishop of York or any other bishop to intermeddle in that affair without his consent². This was a fair step towards putting the disposal of the crown into the hands of the archbishop; at least it was putting succession into the same methods by which the bishops of Rome were now arrived to a pretence of disposing the empire, which pretence doubtless had no other original but the civil respect that was paid to the bishops of Rome in permitting them to crown the emperor. This inhibition of pope Alexander had not its effect; but on the contrary, notwithstanding it, the young king was crowned this year by Roger archbishop of York: yet this disappointment of pope Alexander gave beginning to a new scene of trouble; for that prelate suspended the archbishop of York for crowning the new king, and excommunicated the bishops of London, Rochester, and Salisbury as assistants in that solemnity³. And, lest the world should mistake the reasons upon which that prelate acted, in the body of the aforesaid bull of suspension he tells the archbishop of York that the chief reason thereof was, because the new king had sworn inviolably to observe the ancient customs, whereby the dignity of the church was put into danger⁴.

And, as he thus used the bishops, so he sent the king word, that, if he did not make his agreement with the archbishop of Canterbury by the time which he appointed in his letter, he would pronounce the same sentence against him which he had pronounced against the emperor Frederic; and by his approbation the archbishop seconded this impudent and unchristian resolution with notifying to the king, that he would put the kingdom under an interdict, if he did not in fifteen days make his peace⁵.

4. The king had a mighty passion for his family; and in

² Hoved. Annal. an. 1170, fol. 296 b. [The document here cited is the pope's bull or letter suspending the archbishop of York and the bishop of Durham from the discharge of all episcopal functions for having crowned the prince. Epist. S. Thom. V, 67. The fact of the coronation, which took place on Sunday, June

14, 1170, is recorded by Hoveden immediately before. The bull of which Inett speaks is preserved by R. Dicet. int. X Scriptor. ed. Twysden 552.]

³ Hoved. fol. 296 b, 46.

⁴ Ibid. fol. 297 a, 40.

⁵ Baron. Annal. an. 1170, xx.

Henry II. the advancement of the late king Stephen to the crown in
1170. opposition to the juster title of his mother Maud, and in the controversy which had given him so much trouble and let so many dangers and disquiets in upon him, he was made abundantly sensible, how difficult it would be for a minor to bear up against the prevailing power of the clergy headed by the bishop of Rome: and the late ill treatment of the emperor Frederic could not but confirm him in this apprehension. And it seems very probable that considerations of this kind, together with the vexatious and incurable obstinacy of the archbishop, broke the resolution which the king had hitherto shown in opposing the designs of the court of Rome, and brought this controversy to an issue which was likely to have frustrated all the ends the king hoped to have served by it; for this agreement, instead of securing the succession, by helping to raise the usurpation of the bishops of Rome enabled pope Innocent the Third to depose his son king John, and bid fair for the disinheriting of his family.

Whatever were the reasons by which this prince moved in that affair, the writers of Becket's story generally say he was frightened into the agreement, as not daring to stand the shock of the interdict and sentence of pope Alexander. Thus much is evident, that an agreement was made the two-and-twentieth of July, being the feast of St. Mary Magdalen, by which the king yielded that the archbishop and all his followers should return to England, and peaceably enjoy what they had held before this controversy began; and this without so much as a promise on the side of the archbishop to observe the laws of England, or so much as the king's presuming to open his mouth for those usages which with so much obstinacy he had before defended; as that prelate according to his rude and unchristian manner relates this affair to pope Alexander¹.

The king was pleased with this agreement as princes commonly are when they are ill used and insulted by their own subjects. But the archbishop sped worse; for his success made a wonderful accession to his natural vanity and haughtiness, and at last proved fatal to him. His zeal was now become all fire; and, that his opposers might not be

¹ Ibid. xxii.

kept in suspense what they were to expect from him, before he left Normandy he sent letters of excommunication against Roger archbishop of York for crowning the young king, and together with him the bishops of London and Durham and all that assisted in that solemnity², the doing whereof, as he pretended, did of right belong to him. Henry II. 1170.

5. The king was sensible of that prelate's design, and endeavoured to prevent it, by appointing men to guard the ports, and seize such persons as they found bringing letters of this kind¹. However, they arrived safe, and in the beginning of Advent returned the angry prelate himself who had sent them, and who defended them with a fury agreeable to that which gave them a beginning. And fire so naturally produceth fire, that it is no wonder if the king was transported beyond the bounds of temper to see himself affronted in the ill usage of those who had distinguished themselves by a steady zeal for his service: and, the excommunicated and suspended bishops leaving England, and coming to the king in Normandy, and complaining to him that the archbishop was grown so imperious that they were not able to live under him, and that when the archbishop came to wait on the young king he came attended by soldiers, and so attended would have entered the king's palace, this (saith the same author) so raised the indignation of the king, that he said in passion, he maintained a company of cowardly and slothful men, of which not one would vindicate him from the many injuries which he sustained²; or, as others report his words, that among all those he maintained or had obliged by his favours he had none that would vindicate him from one priest that troubled him and his kingdom, and sought to depose and to disinherit him³. The king's domestics, thinking themselves reproached by this reflection, were officious beyond their duty and beyond what the king intended; and presently, laying hold of these hasty expressions, four of them, viz. Reginald Fitz-Urse, William de Tracy,

² Gervas. Chron. an. 1170, int. X 553: Epist. S. Thom. Cantuar. V, Scriptor. ed. Twysden 1413, 40. 66, 67.]
[These letters of excommunication and suspension were issued by the pope himself, but on Becket's application. R. Dicet. an. 1170, ibid.]

¹ Gervas. ibid. 33.

² Gervas. ibid. 1414, 32-44.

³ Baron. ibid. xlv.

Henry II. Richard Brito, and Hugh de Morevile, resolved upon the
 1170. death of the archbishop, and, hasting away to England, with all the circumstances of inhumanity murdered that unhappy prelate in his own cathedral church December 28, 1170⁴.

1171. 6. The archbishop being murdered as has before been related, the noise which attended it was in some measure answerable to the guilt and horror of the fact; for, as that was barbarous beyond excuse, there wanted no industry to blacken the guilt and to fix it upon the king. On the other hand the king was sensible of the ill use which would be made of it, and was just to his own honour and innocence; and, to prevent the advantages which his enemies might reap from this occasion, king Henry employed his ambassadors every where to assert his innocence.

On the other hand the French ministers aggravated the inhumanity of the deed; and the court of Rome could not but have reason to fear the consequence of this affair, as that which in the first view appeared very likely to intimidate their partisans, and make them cold in a design wherein that prelate had so fatally miscarried: therefore that court employed their emissaries to represent the horror of the fact, and used their eloquence to give the world such an idea thereof, as might beget impressions fitted to the purposes which they designed to serve by it. Nor did their exclamations set bounds to the displeasure of that court; but, as they were very loud in their outcries against the king, so they threatened his kingdom with an interdict, and had doubtless kept their word, if the affairs of that court had not been too much perplexed to permit them to venture upon an undertaking attended with so much danger.

On the other hand the king, foreseeing what representations and what use the court of Rome would make of it, did (not without good grounds) dread the issue of this affair, and took all possible precaution to prevent the ill effects thereof and to do right to his own honour and innocence, and more especially in the court of Rome; in order whereunto he presently sent an embassy thither. But that court, which never overlooked any advantage to serve itself, would not

⁴ [The murder was perpetrated Gervase marks the date with the on Tuesday, December 29, 1170. utmost precision, col. 1418.]

permit the ambassadors to assert the king's innocence until they had first made their way by good presents⁵ and round promises that the king should abide by the award of the legates who should be sent to inquire into this affair; a promise which in time entangled the king in difficulties which he was never able to overcome. Henry II.
1171.

7. However, to put the evil day as far off as he could, the king sailed over to Ireland to receive the homage of that kingdom. And, as during his stay there that people generally submitted to his authority, so in a council which he held at Cashel the bishops and clergy consented, and in the seventh canon ordained, that divine service should be celebrated in all the churches of Ireland according to the rites and customs of the church of England¹. The settlement of Ireland took up the greatest part of this year²: therefore the king, fearing lest any ill use should be made of his long stay in that kingdom, ordered his ports to be stopped, and nobody to be suffered to come into England that should pretend to bring letters of interdict against his kingdom.

Thus things passed on till the year following: but before that time the legates of the court of Rome arrived in Normandy, where the king permitted them to wait till his return from Ireland; but, being returned from thence, without making any considerable stay in England he went over to Normandy, where he met the legates in the latter end of September. It was the cause of the court of Rome and interest of the papacy for which the late archbishop had lost his life, and that court was resolved to be paid for the blood of their martyr; and what was said of the martyrs of the first ages, that their blood was the seed of the church, was verified in this their martyr. And it was a mighty harvest which they reaped from his blood; for, after all the noise and clamour they had made upon this subject, it appears plainly by the issue that all their zeal and outcries upon this occasion were nothing else but arts to sell his blood the dearer. 1172.

⁵ ["*Aliam viam supplicandi, more scilicet Romano, aggressi vix tandem quingentis marcis interpositis admissi sunt.*" Gervas. *ibid.* 1419, 37.]

¹ [Concil. Britan. Spelman II,

98, [Wilkins I, 473. The king was not present at the council.]

² [The king did not land in Ireland before October 16, 1171. Hoved. Annal. fol. 301 b, 40.]

Henry II. Therefore, after some time spent upon this occasion, the
 1172. king was forced upon an agreement which at once gave away all that he had been so long contending for, and which in the consequence thereof overwhelmed the rights of the church and the crown, and let in an usurpation which bore down all before it. There were seven articles upon which this accommodation was founded, of which three or four so nearly concern the church that they are not to be passed by.

First, that the king should never forsake pope Alexander or his catholic successors, so long as they used him as became a catholic king.

Secondly, in causes ecclesiastical appeals should be freely made to the bishops of Rome, and the king should neither hinder them himself not permit others to hinder them ; provided that, if any one should be suspected to have evil designs against the king or kingdom, they should give security before they departed out of his dominions.

Thirdly, that the king should after Christmas next ensuing go to the Holy Land in person for three years, unless dispensed with by the pope or his successors ; and in the mean time that he should maintain two hundred men for that service.

Fourthly, that he should abolish all such customs as in his time had been introduced to the prejudice of the church.

8. These articles (together with some others by which he declares his innocence of the archbishop's death, and promises satisfaction and to restore the rights of the church of Canterbury) being agreed upon, a council was called, where the king, the archbishop of Rouen, together with other Norman bishops and abbots, did in this assembly swear to observe the agreement ; and so did his son king Henry, so far as the articles were general ; and then the articles were sealed with the seal of the king¹. All that this mortified prince had in exchange was absolution from the legates for the fault of which he was first made to swear he was not guilty.

Thus this unhappy prelate's death, like that of Samson, drew destruction after it, and the church and crown suffered

¹ [The king took the oath, and so did his son so far as the articles concerned him, but no one else swore to them. Hoved. fol. 303 a.] Gervas. ibid. 1422.

more by it than by all the attempts and endeavours of his life. And, watered with his blood, the papal usurpation presently grew up to its full complement and perfection: for, having before gained from the crown the patronage of bishoprics by forcing the right of investitures from the kings of England², and broken all the authority of provincial and diocesan bishops by settling the legatine power³ and by assuming an authority to exempt the religious from their jurisdiction⁴, they now by the article of appeals gained a power to call every thing to Rome, and, by the grant of the king to abolish the laws which they called prejudicial to the church, removed every difficulty which stood in the way of their new maxims and pretensions to the ecclesiastic liberty. There remained little more but to possess themselves of the crown, and this too we shall hear of time enough in the reign of king John the son of the present king.

Henry II.

1172.

The changes which presently ensued were so visible, that one of the writers of archbishop Becket's story, in the account written about this time, thus describes the change: in the former reigns the authority of the see of Rome was little regarded, and the kings of England ordered all affairs in the church as they saw good, and under them the archbishops ordered all things according to the law of England; and, when the royal and archiepiscopal power united, their authority was uncontrollable and past resistance⁵. And the court of Rome appears to have had the same sentiments of the conquest which they gained over the crown and the English church within the compass of the present reign and by the address of the late archbishop: therefore, when king John in the council of Northampton declared that he challenged no other right in disposing the bishoprics but what his predecessors had enjoyed, Pandulphus the legate of pope Innocent answered, that the right the king pretended to was abolished by the surrender which archbishop Becket had made of his bishopric into the hands of the pope, and

² [See before, II, vi, 11.]

³ [See before, II, viii, 7.]

⁴ [See before, II, xi.]

⁵ [Vit. S. Thomæ Cantuar. cited from a MS. at Lambeth by Wharton in] *Angl. Sacr.* II, 523, 524. [The

entire life has since been published by Dr. Giles in his *Vita S. Thomæ*, which forms part of his collection of *Patres Anglicani*, and this passage will be found in vol. II, p. 85.]

Henry II. from that time the church of Rome was made the lady and
 1172. mistress of all the churches of England⁶. Though this account of the legate doth not give us a just view of the papal usurpation, which was doubtless a work of time and grew up by degrees, yet it speaks the sense which the court of Rome had of the services of archbishop Becket. And the argument has but too much truth in it ; for a great share of that usurpation was owing to the bigotry of that prelate and the consequences thereof. But to return to the agreement of the king.

9. Whatever the flatterers of the court of Rome may pretend to the contrary, we are to ground their first colourable pretence to appeals from England on the aforesaid article of king Henry. For though Henry Huntingdon, who wrote in the preceding reign¹, saith the use of appeals was begun by Henry bishop of Winchester and then legate to the bishop of Rome, as he adds, to serve some unworthy ends of his own², and Gervasius follows him in this opinion ; (and they are in the right as to the fact ; for that prelate endeavouring to lessen and mortify Theobald then archbishop of Canterbury, and bring every thing into his own hands, led the way to that practice, and during the war between king Stephen and the present king several things were carried to Rome ;) yet, as the practice was new and had no ground in canon or antiquity or law, so that court whose interest was served by it was so sensible that their title was but precarious and had the marks of novelty very fresh and visible, [that they]³ thought fit to give it the colour and appearance of right by their late agreement with king Henry, and the article on this subject was at this time their best title to appeals from England.

But what has been said before of the state of the English church under William the First and Second, explained by

⁶ [Hen. de Hertley (or Harcla), Cancellar. Oxon. an. 1313, cited by Wharton in] *Angl. Sacr.* II, 524. [This council at Northampton was held in 1211. *Annal. Burton.* an. 1211, pp. 264, 265. See below, *xxi*, 13.]

¹ [See before, II, viii, 13, note 1.]

² ["Eas Henricus Wintoniensis,

dum legatus esset, malo suo crudeliter intrusit."] *H. Huntingd.* VIII, fol. 226 b, 7. [Gervas. *Act. Pontif. Cantuar. int.* X Scriptor. ed. Twysden 1665, 28 ; 1667, 65. See before, II, x, 8, 9, 10.]

³ [The words "that they" are not in edit. 1.]

the ecclesiastical law of England in the statutes of Clarendon⁴, Henry II. puts it beyond a doubt that no such right had ever been 1172.
owned under the Norman reigns. And the history of the ancient English church makes it no less evident that the case had been the same in England from the foundations of the English church. And the whole circumstances and manner of gaining on the one side and yielding on the other make it plain that religion was no way considered in that affair; for an article of this kind could never have had a being, if either side had believed that the court of Rome had a right to appeals from the authority of Christ or his church, or if this had been the ancient usage of England.

10. So that, if the circumstances and designs of king Henry had not explained the reason thereof, one would stand astonished at a concession of this kind; and¹ at this time of day, when the designs of the court of Rome were visible to all the world, and their abuses of that power to receive appeals which they before this had gained in some other places were become so notorious, that St. Bernard, who had done too much toward advancing the papal greatness, did but a few years before this complain of the abuse of appeals by the court of Rome, and in terms so passionate and full of resentment as would make one very uneasy to read them. In his hundred-and-seventy-eighth epistle to pope Innocent he tells that prelate that it was the common complaint that justice was perished in the church, that the authority of the keys of the church was destroyed, and the power of bishops become vile and contemptible; "because," saith he, "it is out of their power to punish offenders, or to correct the disorders of their own dioceses:" of which he assigns this reason. "Offenders," saith he, "appeal to you and to the Roman court; and what the bishops determine with justice, you cancel and repeal, and what they forbid, you determine and appoint: and if there be men either of the laity, clergy, or religious, who are more wicked and profligate than other men, they run to the court of Rome, and they have sanctuary and protection; and, having such defenders,

⁴ [See before, II, xiii, 5.]

¹ [The word "and" here is equivalent to "especially".]

Henry II. they return and insult over those who pretend to correct them"². But to return.

Whilst the king was making this ill bargain abroad, he wanted not those who were endeavouring all they could to render him still less at home. For, about the same time that king Henry the father was engaged in the aforesaid treaty in Normandy, king Henry the son, having assembled the bishops to assist in the election of a new archbishop, sent for the prior and some of the monks of Canterbury to attend him upon that occasion. But instead of proceeding as had been usually done, by the concurrence of the bishops of the province with the prior and monks deputed on that occasion, and directed by the lord chief justice or such other person as the king appointed to assist at and give his consent to the election, the prior and monks demanded a free election³, that is in other words, to have the sole power of election to themselves, exclusive of the king and the bishops of the province: but, the king not being willing to part with the rights of the crown, nor the bishops of the province to part with theirs, the prior was denied his request. He therefore with the monks returned home again without doing any thing in the intended election.

11. About three weeks after, the prior and monks were the second time called to attend upon the young king; but, the prior continuing stiff in his demand of a free election, the young king remitted this affair to his father, and in pursuance of this resolution the prior with some of the monks went over into Normandy. King Henry had the example of Becket so fresh upon his thoughts, that he could not but be sensible of the importance of this matter; and, having seen what trouble the peevish bigotry of one prelate was able to draw upon a

² ["Vox una omnium, qui fidei apud nos cura populis præsunt, justitiam in ecclesia deperire, annullari ecclesiæ claves, episcopalem omnino vilesce auctoritatem, dum nemo episcoporum in promptu habeat ulcisci injurias Dei, nulli liceat illicita quævis, ne in propria quidem parochia, castigare. Causam referunt in vos curiamque Romanam. Recte gesta ab ipsis, ut aiunt, destruitis,

juste destructa statuitis. Quique flagitiosi et contentiosi de populo sive de clero aut etiam ex monasteriis pulsati currunt ad vos, redeunt jactant et gestiunt se obtinuisse tutores, quos magis ultores sensisse debuerant."] Bernard. Epist. 178, § 1. [This letter appears to have been written in the year 1135.]

³ Gervas. Chron. int. X Scriptor. ed. Twysden 1422.

kingdom, suffered the uneasy apprehensions which this new dispute necessarily led him into to break the balance and steadiness that became his wisdom and his character, and in a manner very unbecoming a prince begged the prior to have pity on him, and to favour him so far as to use his interest with the chapter, that the bishop of Bayeux might be chosen archbishop. The prior, who, as the writer of this story well observes, took his pattern from the late archbishop¹, still remained stiff and inexorable, and all the address and intreaty of the king signified nothing but to elate and puff him up, and to add haughtiness and insolence to his stiffness; for, being sent back into England by the king, he was again called to court by the young king, but, remaining obstinate in his demand of a free election, he was again sent back to his convent without doing any thing in the business of the election².

Henry II.
1172.

But, though the spirit of Becket seems to have descended upon the convent which he had left behind him, and the concessions of the king to the legate of pope Alexander had by this time inspired the monastics with sentiments very much to the disadvantage of the crown, yet, the design wherein they embarked being wholly new, their fears so far prevailed upon that body, that instead of choosing one man and sending him to Rome to be consecrated, as some of their successors afterward did, they chose three persons, and sent to Richard de Lucy to acquaint him therewith, and to desire the royal assent to one of the three. This was a new step and of dangerous consequence: however, Richard de Lucy, lieutenant to the absent king, summoned the bishops of the province; who having made choice of Roger abbot of Bec in Normandy, one of the three first chosen by the convent, Richard de Lucy gave the royal assent to the election: but, Roger refusing to accept that trust, that election came to nothing³.

1173.

12. Before this dispute came to an issue, there happened another thing of more immediate consequence to the king; and this was the unhappy misunderstanding betwixt the king and his sons, which was, if not begun, yet so industriously

¹ [Inett seems here to have mistaken Gervase, who does not appear to have made this observation concerning his prior.]

² Ibid. 1423.

³ Ibid.

Henry II. encouraged by the French court, that it came to an open
 1173. rupture. This gave a very sensible affliction to the king: and, instead of quieting the past dispute, this accident carried it higher, or at least gave such encouragement to it, that the prior and his convent made another step toward gaining the sole power of election to themselves; for instead of acting in conjunction with the bishops of the province, or giving them a part in the election of the archbishop, as they had done before when the chapter offered three persons to their choice, they chose Richard prior of Dover for their archbishop¹; who promised fidelity to the king saving the honour of his order, but made no promise to observe the customs or laws of England², as had been usually done by all his predecessors. And yet the king, finding the prior and convent of Canterbury stand inflexible against all the threats and intreaties which had been made use of to bring them to a better mind, was forced to yield to the necessity of his affairs, and endeavour to oblige the men whose obstinacy he had found by experience was never to be overcome: therefore he consented to the election, as the bishops of the province and the lord chief justice had done before.

But, before the archbishop elect could be consecrated, the young king did upon another account traverse the consent of his father, and under pretence that his father was attempting to bring unfit persons into the church, and that the royal assent to the election could not be given without him, he sent a mandate to the prior and convent to forbid the consecration of the new archbishop, and appealed to the court of Rome: this put a stop to the consecration of the archbishop³. But, as this affair sprung from an ill cause, the unhappy dispute betwixt the father and the son, so it was attended with effects very suitable to such a beginning: for the archbishop elect went away to Rome, where king Henry the father did by his ambassadors espouse the cause of the archbishop, and king Henry the son did in the same manner and upon the same

¹ Ibid. 1424, 1425.

² M. Paris. an. 1173, p. 127, 29, ed. Wats. [The words of R. Dicet. on this point are not free from ambiguity. "Electus, sicut omnes prius electi fidelitatem regis jurave-

rant, sic et ipse juravit salvo ordine suo, nulla prorsus de regni consuetudinibus observandis habita mentione." Inter X Scriptor. ed. Twysden 568, 67.]

³ Gervas. ibid.

grounds oppose it; yet pope Alexander confirmed the election, consecrated the bishop elect, and sent him back to England with the additional character of his legate the year following⁴. Henry II.
1174.

13. By this means, and with the consent of king Henry, the court of Rome was let into a pretence of confirming the elections of the archbishops of Canterbury, and came in time to usurp the confirmation as well of our diocesan as our metropolitan bishops, and to make themselves judges of all controverted elections to bishoprics, deaneries, and abbeyes, and at last to assume the disposal of them: in short, the mischiefs are unspeakable which ensued from that branch of the papal usurpation; and the kings of England, as they had the dishonour of opening the way thereunto, did too soon feel the smart of it.

About the same time, and (if M. Paris be not mistaken) at the same council wherein the aforesaid archbishop was chosen, pope Alexander's bulls were received, declaring his predecessor a martyr and a saint, and appointing that the day of his passion should be received into the calendar¹: and all on a sudden the miracles of the new martyr shone so bright, that votaries to his shrine and devotions to his tomb became so fashionable, that king Henry was forced to run in with the crowd, and upon his return out of Normandy went and paid his devotions to the tomb of the late archbishop. And, if the monkish writers, who began about this age to be fond of an invention of their own, the disciplining whip, do not misinform us, this prince submitted to it and suffered his body to be scourged²; a sort of discipline, which till the latter end of the eleventh century had never been heard of in the Christian church³, and, if men had not learned to consecrate their own follies and to set up their own inventions as standards of holiness and devotion, might have continued unknown to this

⁴ Ibid. 1426.

¹ M. Paris. *ibid.* [Matthew Paris took his account from the contemporary writer R. Dicet. col. 569.]

² [This is affirmed by the contemporary writers, R. Dicet. 577, 20, Gervas. Chron. 1427, 45, Gul. Neubrig. II, 35, and Hoved. fol.

308 a, 47; but not by Benedict of Peterborough, vol. I, p. 83, from whom Hoveden transcribed part of his account, and who was at the time a monk, and the next year was chosen prior, of Canterbury.]

³ Du Pin, Eccles. Hist. Cent. XI, ch. xiv, p. 126.

Henry II. day. But this has so little of the gospel method of reclaiming
1174. sinners, that it is hard to say whether this treatment was more disagreeable to the spirit of Christ or more reproachful to the majesty of kings; so that, if we must not reject the authority and disbelieve this part of the story, the honour which is due to the character of God's vicegerents should at least oblige one to cover and forget it. Had he stopped here, the age and the difficulty of his present circumstances might possibly have made some apology for him; but so fatally did the aforesaid treaty break all the measures of this prince, that he never stopped till his concessions gave the finishing stroke to that interest which broke his own and plunged his posterity into mischiefs the past ages had never heard of. As for the court of Rome, it was no wonder if they made all possible haste to distinguish the martyr for the papacy, and let the world see what a value they put upon that bigotry which had turned to such account to them.

14. Not long after the aforesaid visit to the tomb of the new saint, it pleased God to give a turn to the affairs of the king. His sons had by the interest of the French king made a very powerful confederacy against king Henry, and, as they were preparing an army to invade England on the south, they prevailed upon William king of Scotland to enter England on the north; but, after the army of that prince had for some time invaded Northumberland, it was defeated, and he himself taken prisoner. And, as this made it easy for the king to suppress such of the English nobility as had taken up arms in favour of his sons, so this blow prevented that which the king had great reason to fear from abroad. For, contrary winds having for some time detained the fleet of the young king designed for this expedition, he had the mortification to hear that the king of Scotland was routed and his party broken in England before he could come over to their relief: therefore with the advice of the French king that expedition was laid aside, and the army of the brothers and the French turned their fury upon Normandy; but, the king hastening thither, that attempt was so unsuccessful that the young king and his brothers were forced to make a peace with their father.

This turn gave occasion to the party of the court of Rome

to magnify the miracles of their new saint, and to talk very big of the wonders which the late devotions of the king to his tomb had produced; and the wisdom and goodness and providence of God, in delivering the king from a very formidable rebellion and restoring peace to his kingdoms, were quite forgotten, whilst the new saint went away with all the honour of that deliverance¹. And the issue was such as might be expected; for those who first made the saint and then disposed his favours made themselves judges of the returns which he expected. Accordingly, the year following, the two kings, father and son, accompanied by Richard archbishop of Canterbury, were put upon and undertook a new pilgrimage to Canterbury²; and rich presents were made, and great devotions were paid to the tomb of the new saint.

Henry II.
1174.

15. The king having settled his affairs in Normandy, and received his sons into favour again, he with his son king Henry returned into England; where things being now settled, the archbishop of Canterbury had called a provincial council, which met at Westminster about the middle of May, and eighteen¹ constitutions were agreed upon, collected, some from the ancient councils, and some from the later papal councils, decrees, and epistles.

1175.

The first enjoins the celibacy of the clergy, and forbids the son to succeed the father in any ecclesiastical promotion.

The second forbids the clergy's going to public houses, unless in a journey.

The third forbids the clergy to assist in the judgment of capital causes, and priests to serve the offices of sheriffs and provosts².

The fourth enjoins the clergy modesty, and forbids their wearing of long hair.

The fifth forbids the bishops to ordain any but those of their own dioceses.

¹ ["Rex. . . . Deum et S. Thomam laudans et benedicens." . . . "Sicque pace regis undique firmata Deus in martyre suo Thoma glorificatus est."] Gervas. *ibid.* 1428, 18, 59. [The language of R. Dicet. col. 577 in glorifying "the new saint" is much stronger than that of Gervase, but hardly goes so far as to ascribe to

him "all the honour of that deliverance".]

² Gervas. *ibid.* 1432.

¹ [Nineteen was the number: see note 3.]

² [Præpositi, civil officers with judicial power which varied in different places, as the reader will see in Du Cange's Glossary.]

Henry II. The sixth forbids holding pleas in criminal matters in
1175. churches or churchyards.

The seventh forbids taking money for chrism, baptism, or the Lord's supper, extreme unction, burial, conferring of orders, or receiving the profession of the religious³.

The eighth forbids conferring livings under the name of dowry or jointures, and selling the presentations thereof, under penalty of a perpetual forfeiture of the advowson.

The ninth forbids the religious to take farms, and

The tenth, the clergy to bear arms.

The eleventh forbids vicars to attempt to dispossess those whose vicars they are.

The twelfth requires a general payment of tithes.

The thirteenth requires that litigious persons, who begin suits they are cast in, shall pay costs.

The fourteenth forbids the use of any other prefaces in the feasts therein mentioned but such as were then in use.

The fifteenth forbids administering the sacrament steeped in wine.

The sixteenth forbids clandestine marriage, under penalty of suspension to the priest who marries them⁴.

The seventeenth forbids the consecration of the eucharist in any thing else but silver or gold⁴.

The eighteenth pronounces marriages void without consent of parties, and ratifies such marriages of minors as are consented to when they come to age⁵.

Beside what passed as above, the old dispute betwixt the two archbishops was revived again, and (if Hoveden be not mistaken) in this council the clerks of Roger, at this time archbishop of York, appealed to the court of Rome. But, though this dispute was now revived, I shall respite that subject till time bring us to the issue thereof⁶.

³ [The phrase in the original is "pro dedicatione", that is, for the consecration of a church.]

Inett, who gives these canons or statutes from Gervase, follows him in omitting one, which forbids the taking of money or any reward for the reception of the religious. This omitted canon is the eighth of Bened. Petrob. and Hoveden, who have preserved it.]

⁴ [Inett has inverted the order of these two canons.]

⁵ [These canons are printed by Wilkins in Concil. I, 477, from Benedict of Peterborough and Roger Hoveden; but by throwing together those which are really the thirteenth and fourteenth he makes the number only eighteen.]

⁶ [See below, § 17 of this chapter, and xv, 13.]

16. In the mean while we must follow the two kings to Henry II. York, whither they went about August to meet William king 1175. of Scotland. That prince, as has been already said, was taken prisoner about two years before, and was carried by king Henry along with him into Normandy, where after some time an agreement was concluded betwixt those two princes at Falaise¹, in pursuance whereof they met at this time at York, where the king of Scotland did homage to the two kings of England for his kingdom of Scotland, and his nobility and the bishops of St. Andrew's and Dunkeld² swore fealty to them; and at the same time the king of Scotland agreed that the church of Scotland should pay such subjection to the church of England as it ought to pay, and such as formerly had been paid in the time of his predecessors; and the aforesaid Scotch bishops, together with the abbots of Dunkeld and Dunfermline and the prior of Coldingham, consented to this article³. And when, about two years after this agreement, Christian then bishop of Candida Casa (now Whithern) in Scotland was called by cardinal Vivian legate of pope Alexander to appear at a council he held in Scotland, that prelate refused to appear, and grounded his disobedience on this pretence, that the archbishop of York was his proper metropolitan⁴; and it is certain that that part of Scotland had anciently been within the kingdom of Northumberland, and as such within the province of York.

These considerations, together with the aforesaid article by which William king of Scotland stipulated that the church of Scotland should pay such subjection to the church of England

¹ [This agreement is printed in Rymer's *Fœdera* I, 30 ed. 1816. See below, xvi, 18, note 2.]

² [These two bishops seem to have assisted in making the agreement at Falaise; but at York there were others who also swore fealty to king Henry and his son, the bishops of Glasgow, Galloway (or Whithern), Caithness, and Moray. Benedict. Petrob. I, 114.]

³ Hoved. Annal. fol. 311 b. [Hoveden does not speak of the abbot of Dunkeld.]

⁴ Concil. Britan. Spelman II, 114, [Wilkins I, 486. The bishop

of Whithern pleaded also that the archbishop of York had a commission from the pope to act as his legate within his own province. Benedict. Petrob. I, 211, 212. Cardinal Vivian held his council in Scotland early in August 1177: it is to be observed that at the beginning of the preceding Lent the bishop of Whithern attended the court of king Henry at London as one of the prelates of his realm. Benedict. Petrob. I, 180, 195: Hoved. Annal. fol. 320 b, 47; 323 a, 24. See below, xvii, 5.]

Henry II. as it ought to pay, would incline one to believe that the
 1175. church of Scotland had anciently been subject to that of England; yet the manner in which the article expresseth that subjection leaves one so much in the dark as to the nature and extent thereof, that we are still as far to seek as we were before. And when one looks but two or three years forward to the council of Northampton, where this affair was resumed again, and finds the Scotch bishops, notwithstanding all the endeavours of the king of England and the legate of the bishop of Rome⁵, openly disowning the subjection of the Scottish to the English church⁶; and compares that their conduct with the proceeding of the aforesaid legate Vivian, who, notwithstanding the plea of the bishop of Candida Casa, did with the concurrence of the bishops of Scotland⁷ suspend that prelate for not appearing at a council held in Scotland; one is apt to think that the homage of William king of Scotland for all his dominions and this subjection of the Scottish church had the same beginning, and were, if not wholly yet chiefly, owing to the misfortune which had made that prince a prisoner to king Henry, and that what the Scottish historians say on this subject is not all flattery and mistake.

17. Not long after the breaking up of this assembly at York, the king received notice of the arrival of Hugo cardinal of St. Peter de Leon¹, legate of pope Alexander the Third. He was invited over by the king, and exceedingly caressed by him, which gives some probability to the opinion of Gervasius, that that prince had formed a design to divorce his queen, Eleanor duchess of Aquitaine. That princess had been

⁵ Spotswood's Hist. Ch. Scotl. Book II, p. 38 ed. 1677.

⁶ Concil. Britan. Spelman II, 111, [Wilkins I, 484. This council at Northampton was held towards the end of January 1176.]

⁷ [Probably the bishops of Scotland did concur in this suspension, but the chroniclers do not say that they did.]

¹ [Gervase does not give the title of this cardinal. Hoveden, fol. 313 a, 47, describes him as "tituli Sancti Michaelis de Petra Leonis diaconus cardinalis". R. Dicet. col.

587, 56, more correctly calls him "Hugo Petrileonis Sancti Angeli diaconus cardinalis". He was a member of the noble Roman family of Petrus Leonis, (originally Petrus Leonis *filius*, in Italian *Pietro di Leone*, in French *Pierre de Léon*); and he was first a cardinal deacon of the title of St. Michael or St. Angelo, and afterwards a cardinal priest of the title of St. Clement. His name is variously given, Hugo, Hugutio, or Hugezon. Ciacon. Vit. Pontiff. I, 1093 ed. 1677.]

divorced from Lewis the French king before king Henry II. married her, and she seems, if not to be the chief manager, yet to have had a great share in that unnatural rebellion of her sons against their father, and for that reason had been seized and kept a prisoner, and, for aught appears to the contrary, was continued so till this time, which makes it still more probable that this was the secret errand of that legate². 1175.

But, whatever lay at the bottom, the errand of that prelate was covered under the pretence of adjusting the difference between the two archbishops, which was about this time revived again. For, Richard archbishop of Canterbury having in the visitation of his province summoned the clergy of St. Oswald's in Gloucester, they disowned his authority and refused to appear at his visitation. By the compromise made by king William the Second betwixt the then archbishop of York and Robert Bloet then bishop of Lincoln, the church of St. Oswald in Gloucester together with the abbey of Selby had been given to that archbishop, as an equivalent for the jurisdiction which he pretended to in the diocese of Lincoln³: upon this ground the aforesaid clergy disowned the authority of the archbishop of Canterbury in his visitation, and insisted on their subjection only to the see of York; and in return the archbishop of Canterbury excommunicated them. And, as this probably gave occasion to the complaint against that prelate in the late council at Westminster and the appeal to Rome, so this was pretended to be the reason of calling over the aforesaid legate.

Whatever the true reason was, the king being then at Winchester, the legate went thither to wait upon him, where the dispute betwixt the two archbishops was brought under consideration, and a step was made toward the final determination of that affair; for Richard archbishop of Canterbury absolved the clergy of the archbishop of York, which he had before excommunicated, and for the time to come consented that the chapel of St. Oswald in Gloucester should be esteemed as the king's free chapel, and be for ever exempted from the jurisdiction of the archbishops of Canterbury. As

² Gervas. Chron. 1432.

³ [See before, II, iv, 5.]

Henry II. for the other important branch of this controversy, whether
1175. the archbishop of York might carry his cross erected within the province of Canterbury, this was referred to the judgment of the archbishop of Rouen ; and it was further agreed that for the space of five years, during which time the dispute was to be finally adjusted, all disputes and animosities should be laid aside, and the archbishops treated by each other with all the marks of friendship and kindness ⁴.

This controversy had so heated the contending parties, and the colour of zeal for the rights of the several sees so transported those two prelates, that, notwithstanding the aforesaid agreement betwixt the two archbishops, at the council assembled this year a quarrel arose betwixt them about sitting at the right hand of the legate, which engaged their servants and followers ; for, Roger archbishop of York attempting to thrust the archbishop of Canterbury from the place he had possessed himself of on the right hand of the legate, the servants of the archbishop of Canterbury treated him so roughly, that he was thrown from his seat to the ground, and his body bruised and his habit torn and his cap broken in the fray ; and this put the assembly into confusion and broke up the council⁵. Such extravagant follies do great men run into when they suffer themselves to be hurried on by their passions.

The disorders of this assembly not only threw the legate into such a fright as put him upon consulting his own security by a hasty flying from it, but gave him such an idea of the men and the controversy which occasioned this disorder, that, if he did not immediately lay aside his character, yet from this time we hear no more of him but that he made all the haste he could to leave England, and had like to have made too much ; for, attempting to go in ill weather, he was in great hazard of perishing at sea in his passage into Normandy ; and (which one would not expect from them) some monastic writers speak of this danger as a judgment and a mark of God's displeasure against that prelate for his compliances with the king to the prejudice of the ecclesiastic liberty⁶.

⁴ Hoved. Annal. an. 1175, fol. 313 a.

⁵ Gervas. ibid. 1433.

⁶ [The chroniclers, Benedict of

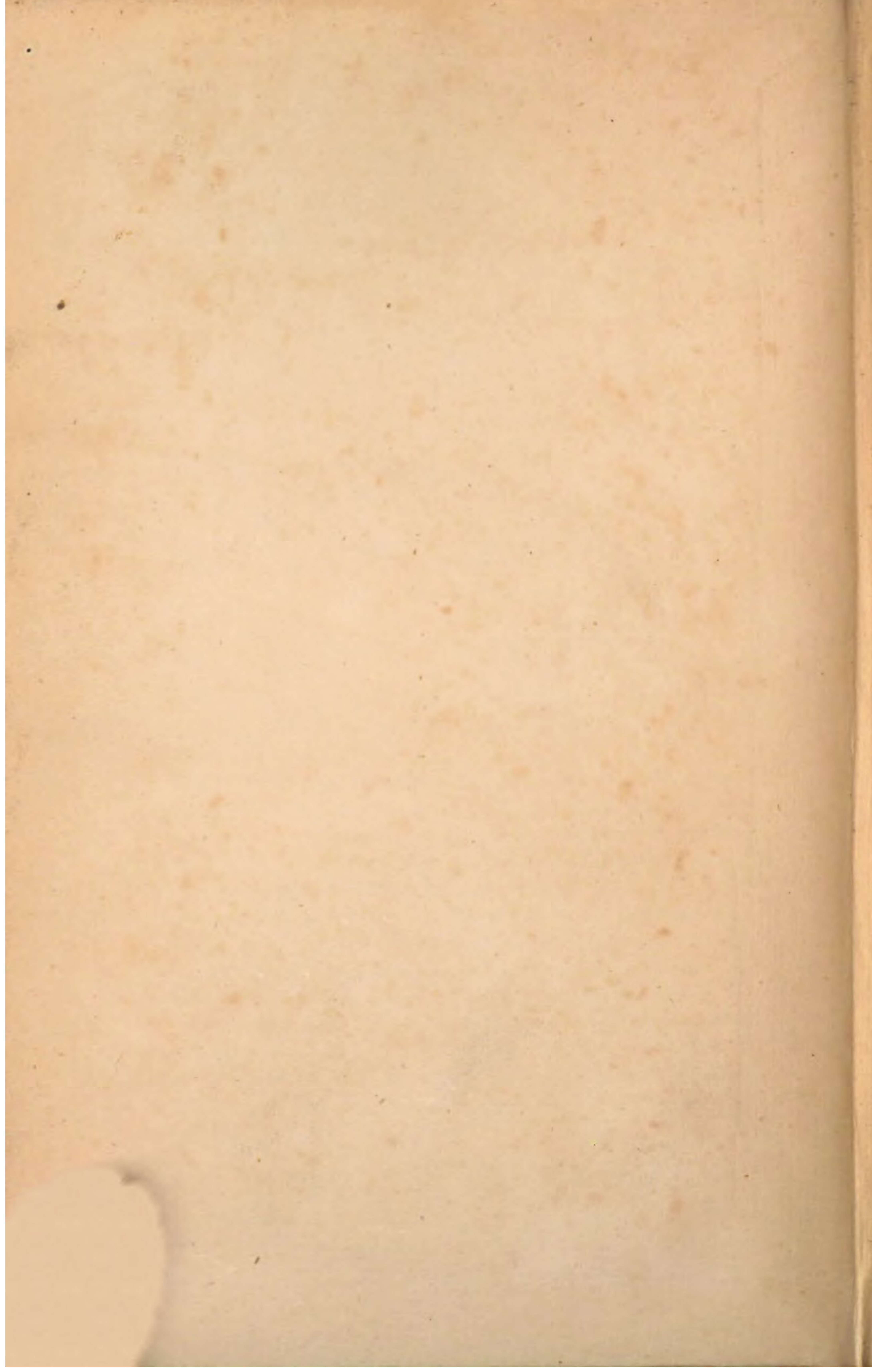
Peterborough, Ralph de Diceto, Gervase, and Bromton, complain very bitterly of the legate for giving the king leave to bring ecclesiastics to trial in his secular courts for breach of his forest laws; Benedict, and Bromton after him, do not scruple to call the legate "*membrum Sathanæ*" for so doing: but the editor has not been able to find among the "monastic writers" any

mention of the danger which he is here said to have encountered "at sea in his passage into Normandy". Ralph de Diceto indeed, *int. X Scriptor.* ed. Twysden 587, 60, speaks of him as "*infausta navigatione transvectus in Angliam*"; not meaning however that his voyage to England was attended with danger to himself, but that it was followed by mischief to the ecclesiastics.]

The first of these is the fact that the United States is a young nation, and its history is therefore a history of growth and development. It is a history of the struggle for independence, of the struggle for the establishment of a new form of government, and of the struggle for the expansion of the nation's territory. It is a history of the triumph of the American people over the British, and of the triumph of the American people over the forces of slavery and oppression. It is a history of the American people's struggle for the realization of the principles of the Declaration of Independence, and of the American people's struggle for the establishment of a new form of government.

The second of these is the fact that the United States is a nation of immigrants, and its history is therefore a history of the struggle for the assimilation of these immigrants into the American people. It is a history of the struggle for the establishment of a new form of government, and of the struggle for the expansion of the nation's territory. It is a history of the triumph of the American people over the British, and of the triumph of the American people over the forces of slavery and oppression. It is a history of the American people's struggle for the realization of the principles of the Declaration of Independence, and of the American people's struggle for the establishment of a new form of government.

The third of these is the fact that the United States is a nation of pioneers, and its history is therefore a history of the struggle for the expansion of the nation's territory. It is a history of the struggle for the establishment of a new form of government, and of the struggle for the expansion of the nation's territory. It is a history of the triumph of the American people over the British, and of the triumph of the American people over the forces of slavery and oppression. It is a history of the American people's struggle for the realization of the principles of the Declaration of Independence, and of the American people's struggle for the establishment of a new form of government.



Inett, John

Origines anglicanae, or, a history of the english church from the
conversion of the English Saxons till the death of King John

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